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HISTORICAL NOTES

OF THE

AMERICAN COLONIES AND REVOLUTION,

FROM

1754 TO 1775,

BY WILLIAM GRIFFITH, ESQ.

OF NEW JERSEY.

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PREFACE

OF THE PUBLISHERS.

The following Historical Notes of the American Colonies were compiled by the late WILLIAM GRIFFITH, Esq., of New Jersey, and were designed as an Introduction to his "LAW REGISTER."

They were printed in his life time, and left incomplete, in the state in which they are now published. It is to be regretted that he had not completed them. Under a belief, however, that they contain much useful information, and that the labors bestowed upon them may not be lost, they are now offered to the public.

A History of the United States upon the plan of which he speaks in his preface, would be a most valuable Work, in the accomplishment of which, the following Notes might afford to the author considerable aid.



PREFACE

TO THE HISTORICAL NOTES.

In presenting the *recitals* which follow, no idea is entertained of furnishing a *history* of the revolution.

The causes and consequences of that event, so extraordinary in every light, and the vast succession of characters and actions, employed in its accomplishment, must be sought for in more detail, and with more accuracy, in other memorials.

The design of this summary is, simply to sketch the *grounds* of that controversy with England, which produced the revolution, and certain acts and proceedings of a *national* character, which preceded those three great epochs in the civil history of these States; The DECLARATION OF INDEPENDENCE, on the 4th of July, 1776—the ARTICLES OF CONFEDERATION and perpetual UNION, on the 1st of March, 1781—and the CONSTITUTION of the UNITED STATES, on the 4th March, 1789.

It seemed to me, not altogether foreign to the subject of a *Volume*, entitled “The Federal System;” to advert to the origin, and acts, of those *federal* authorities, which, under the name of “*Congresses*,” by the wisdom of their councils, persevering constancy of purpose, and influenced by the purest feelings of patriotism and honour, united, directed, and led forward the colonies, to *independence*, and the possession of political and social blessings, unknown to any former age or nation.

Beside this general inducement, another more immediately connected with the design of the “*Law Register*” was, to embody in the historical account, those *publications* relative to *constitutional law*, and principles of government which came from Congress, during the legal controversy with England:—I mean the declarations, petitions, and addresses, in which they set forth the rights, and vindicate the claims of the colonies; I do not know they are to be found at *large*, and connected with their immediate causes any where, but on the *journals* of Congress:—These documents are in every view invaluable:—They are principally the production of men, who adorned the profession for which the work I am engaged in is intended, lawyers and jurists, pre-eminent in ability, and equally distinguished for their ardour and constancy in the cause of liberty:—On the basis of such labours and enlightened principles, have arisen those free and happy institutions, which seem calculated to promote and secure, whatever of felicity is attainable by man, under the most perfect forms of civil government.

It seemed no less a tribute due to the names and virtues of these great men, than a duty I owed to the *American Bar*, to give their “*arguments*” in favour of liberty, a place in my work—No *lawyer* will peruse them but with admiration and improvement, and no *patriot*, without feelings of respect and gratitude, for men who defended the rights of their country, by the most powerful reasonings, and unshaken constancy.

In executing these views, I can do little more than *select* from historical memoirs, and the *journals* of congress; and in this selection, confine myself to the earliest and principal transactions; those more immediately indicating the *causes* of the *revolution*, and the great and excellent statesmen who bore so conspicuous a part in its accomplishment.

These causes, and the events which led, first to a civil war with England; then to independence,

and the confederation; and lastly, a national constitution; will be found either stated or referred to in the "*journals of congress*," now called journals of the "*Old Congress*."

They begin, on Monday the 5th of *September*, 1774, and end, on the first Monday in *November* 1788, comprising a period of 14 years; when the last congress under the confederation, ceased to exercise its powers, and was succeeded by that which convened at New York, on the 4th *March*, 1789, under the present constitution of the United States.

These *journals* commence, as before observed, with the *first Congress*, which met at Philadelphia on the 5th *September* 1774. This body *dissolved* itself on the 26th *October* following, having on the 22d of *October*, *resolved*, "that it will be necessary, that another Congress should be held on the tenth day of *May* next, unless the Redress of Grievances which we have desired, be obtained before that time.—And we recommend that the same be held at the city of *Philadelphia*, and that all the colonies in *North America* choose deputies, as soon as possible, to attend such congress."

The General Congress met accordingly; from that time there was no dissolution: The vacancies accruing, were filled up as they occurred; or new delegates sent as substitutes, at the pleasure of the respective assemblies, conventions, and provincial congresses, of the several colonies: it was a continued session, with short recesses, of the same Congress, until the 1st of *March*, 1781, when it became an *annual* body under the articles of *confederation*; but even then, continued without suspension, (unless by adjournment,) until *November*, 1788, when it terminated, by the adoption of the present constitution of the United States.

Until the Declaration of Independence, Congress in official acts, *styled* themselves "The Delegates of the United Colonies, of New Hampshire, Massachusetts," &c. repeating the names of each; or, the Delegates, of the 12 (or 13) "United Colonies, in North America." It was not until the 15th *July*, 1775, that the province of *Georgia* united herself to the other colonies, and sent delegates to the Congress, then sitting in Philadelphia; this completed the whole number of *thirteen*.

The *Declaration* of Independence in 1776, did not in express terms, give a *style* or corporate name to the states; but purports at the head of it, to be, "a Declaration, by the *representatives* of 'The United States of America,' in congress assembled;" by implication, assuming this as a *national* title.

From this time their style was, "The Congress of the United States of America." The same body continued permanent however, as before stated, until the 1st of *March*, 1781, when the articles of *Confederation* were completed, by the accession of Maryland.

By the 5th *Article* of the confederation, it had been provided, that "for the more convenient management of the general interests of the United States, delegates shall be *annually* appointed, in such manner as the legislature of each state shall direct, to meet in Congress on the *first Monday* in *November*, in every year, with a power reserved to each state to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year."

On the 2nd *March*, 1781, this entry appears on the journals, "The United States in Congress assembled, *March* 2nd, 1781.

"The ratification of the articles of confederation, being yesterday completed by the accession of the state of Maryland;

"The United States met in Congress, when the following members appeared, &c.

"His excellency Samuel Huntington, delegate for Connecticut, president," &c.

The Confederation, in its first article, adopted for the *style* of the union, "The United States of America": directly assuming a *corporate* name. This is the style now used, in all solemn, legislative, executive, and judicial acts, and commissions; although the *constitution* of the United States, has not expressly adopted this as a corporate name, unless its *preamble* may be so construed.

Although congress, in the journal of the 2nd *March* 1781, took notice of its sitting *under* the confederation; it was composed of the same members as on the day before:—no *new* commissions had been given; nor was a new President chosen:—

But on Monday, the 5th *November* following, being the *annual* day mentioned in the articles of confederation; there is a minute, of the *opening* of a *new Congress*; the names are given, and it is said their credentials were read, also a new *President* was chosen: it is to be inferred, that between the 1st *March* and *November*, 1781, members had received new annual commissions from their constituents, under the 5th article of the confederation.

After this, there is a regular *commencement* in the minutes on the *first Monday* in *November*—

annually, of a new Congress; and doubtless the delegates had new commissions each year, but there never was any suspension or dissolution of it, from 1775, to 1783, when it gave way to the federal constitution. The delegates were seldom changed; hence a more perfect knowledge of business and of the interests of the Union, were acquired; and a more steady, uniform, and able administration of the government:—as much, and more, important executive and legislative transactions, were executed in one day in those Congresses, than would appear in the present often times, to be performed in weeks.

It may be observed here, that until the confederation in 1781, for a period of 6 years, members of Congress acted rather as a body of agents for all the *people* of the colonies, than as deputies formally representing independent governments; yet this anomalous character, strengthened, rather than impaired, their first operations: they were considered *absolute*, and as possessing consolidated powers: their acts were deemed valid, in public opinion, and in courts of law, as if they were those of a supreme *legislative* body;—being controlled by no federal compact or constitution, but representing the whole *people*: though *voting* by states. It is somewhat surprising, that after the declaration of Independence in 1776, Congress did not assume *continental Legislative* powers, and establish courts, and a system of taxation, at least during the war; no doubt it would have been acquiesced in, and even hailed, as the best guarantee for the final attainment of independence: millions would have been saved, and all the operations of war, defence, internal regulation, and economy, more efficiently directed against the common enemy. The *confederation*, which seemed to promise so many advantages, and was so ardently pressed by the greatest statesmen of the day, came too late, and after all, was not as efficient as the *Congress*, before its adoption.

After the confederation, (in 1781.) many of these acts and proceedings were in the form of *resolves* and orders, as before; but they then gave the name of *ordinances* to their more solemn enactments, beginning, “and be it *ordained* by the United States in Congress assembled.”

Nothing short of a perusal of these *journals*, (in 13 volumes;) can afford adequate conceptions or views, of the causes of the revolution, the complicated and endless variety of measures and events it produced, and of the virtue and talents which conducted it:—or of the sacrifices and toils endured by the American people, during a period of 9 years, from the 1st congress, in *September 1774*, to the definitive treaty of peace with Great Britain, in *Sep. 1783*.

They present also, a vast collection of facts and proceedings, which took place in the colonies and states *separately*, within that time: exhibiting in the strongest lights, just views, of the principles of civil liberty, and the American character, in whatever sphere of action employed, during this mighty contest with England; by far the most efficient and formidable power, at that period, in the world.

We have yet, I conceive, no *complete* history of the revolution; a history, in the form of *annals* and *documentary evidence* at large, commencing with the peace of Paris, in 1763, and ending with the peace of Paris in 1783.

An account of this period, comprising its written evidences, legislative, executive, and diplomatic, private and publick, on both sides of the Atlantick, *precedent* to hostilities in 1775; the progress and events of the war, to its termination, and the conduct and characters of those men, on all sides, who figured as actors in this great drama; would be a most interesting work: The matters which should compose it, do not rest in tradition, but may (to the proceedings even of a town-meeting, or corporation, as well as the acts of a minister, congress, or general;) be traced to publick offices, and undoubted writings; and be delineated, with the exactness of a judicial record: yet we have no *such* history; and he who would attain a just and comprehensive knowledge, of the affairs of this 20 years, (by far the most important in their consequences, as fixing principles of government, and promoting civil liberty over the world, which ever filled an equal space,) will fall infinitely short of his object, by resorting to any, and all, the professed *histories* now extant:—they are very deficient, in that fullness and certainty of authentick *documents* and authority, which alone can satisfy one who seeks for truth, and would draw his *own* conclusions from the original evidence.

The historical essays of this period, are defective in order, connexion, and dependence, of leading measures and events: they are much too scanty; and this defect is not supplied, by correct and ample *references* to the sources, from which they are made up.

True history, is not to be erected upon private assertions, opinions, and surmises, however respectable, or in a representation of individual acts and events; the account of armaments, invasions, sieges, battles, and hazards of war, and their results; these are consequential and wholly subordinate, though proper in their place and connexion.

The rational mind inquires for the actual *causes* of revolution, of war, or political changes; and the particular and successive ways and means of whatever kind, employed by the states or agents concerned, to effect their purposes; these rest on *evidence*, and it is that which constitutes all true and useful history.

There could be no undertaking, more worthy of the labours of a vigorous, impartial, and enlightened mind, than that of *collecting* and embodying these evidences, in their due order and connexion; handing down to posterity, in their original and unmutated forms, a *series* of documentary annals, whether parliamentary, legislative, diplomatick, epistolary, or popular; followed by an account of the respective measures and events, which grew out of the original elements and causes of strife.

This would doubtless, be a most voluminous compilation,* but the *period* embraced, is that which stands more immediately connected, with the great cause of human *liberty*, and discussion of the *rights* of man in society as a *distinct* subject of controversy, than any other: Previous to this, the principles of free government, and the inherent right of the *people* to take care of their own interests and happiness, by their own reason and authority, had only been touched upon in theories little known, or scattered and mixed up with many alloys and heterogeneous ingredients, in the history and legal constitutions of *England*; wars and revolutions before, were only trials of physical strength, to acquire dominion, or maintain it, over men, as mere *subjects* of government, not as partakers in its rightful and beneficent execution: wars springing from personal ambition or vengeance, waged to resent an insult, to propagate religious creeds by the sword, or enforce pretensions founded in avarice, and a spirit of monopoly.

The principles on which the American contest was sustained, and their elucidations, involved *exclusively*, the nature and extent of *civil liberty*, the right of *self government in the people*, and the assertion, that power was held from them, and for them; to be executed as a trust, and revocable at their pleasure; an exhibition of these principles and elucidations, with the motives and conduct of the statesmen and patriots who maintained them; the successful issue, in the establishment of free forms of republican government; reduced to written certainty; and executed, with perfect order, efficiency and justice, under authorities delegated by the *people*; (all which such a work must unfold,) would constitute an invaluable legacy to mankind:—more especially, since near half a century of experiment, under many disadvantages, has realized every prediction, which the most sanguine theories ever indulged, in favour of republican government.

The compilement which follows, of events *preceding* the several epochs before adverted to, —pretends to nothing of this kind: my object is principally, to put in the foreground of “The Annual Law Register;” the particular *causes* of the revolution, the general principles on which it was supported, and some of the most conspicuous *publick acts*, with the *names*, and example, of those truly great and virtuous men, whose first *councils* led the way to *American Independence*, and to that inestimable *Constitution of National Government*, which must (if human reason is not a phantom,) forever bind these states, in perpetual peace, union, and advancing felicity.

Although the causes of civil war with England, and finally, of independence, might be collected from the *journals* of congress, commencing in *September 1774*, by inference, and from the grounds of complaint, stated in the various petitions, declarations of rights, and grievances, published by Congress; yet I did not think it would be satisfactory to begin there.

I have therefore traced, in somewhat of a chronological order, the history of the controversy and its progress, commencing in 1763, † down to the meeting of Congress in 1774, from *other sources*: in doing of which, it must be again repeated, that my view is limited to the simple purpose of leading the reader, to a *general* acquaintance with the subject; as well in what relates to cabinet and legislative measures in England, as to the popular feeling, spirit, and determination, displayed in the colonies: I have carried this down, only to the *declaration* of Independence in 1776; after that, it was but a national war; for *conquest* on one side, *freedom* on the other; its *progress* and results are known.

* Comparatively—as a history of 20 years only: but disconnected from the particular history of discovery, colonization, and wars, which preceded 1763, might be comprised in two octavo volumes of 600 pages each.

† In fact, I have carried back my “notes on the point of taxation,” to an *earlier* period; but it was not till after the peace of 1763, that the question became a subject of contention.

The *editor* perhaps, should make some apology, for the minute type, in which these *notes* are published; this was not his original intention; but perceiving they had, notwithstanding all possible compression, far exceeded his first calculation, he was unwilling to occupy a space, which some might think, would be better filled with matter, more strictly, within the design of the work. For this reason, the historical part, is put in half the compass which another type would have required.

As there is room here, the page may properly be filled with the *names*, and times of *accession*, of the several *Presidents* of *Congress*, antecedent to the 4th *March*, 1789, when the new Constitution went into operation.

PRESIDENTS of CONGRESS.

PEYTON RANDOLPH (a)	elected	5th September, 1774.
HENRY MIDDLETON	. . . . .	22d October,
PEYTON RANDOLPH	. . . . .	10th May, 1775.
JOHN HANCOCK	. . . . .	24th May,
HENRY LAURENS	. . . . .	1st November, 1777.
JOHN JAY	. . . . .	10th December, 1778.
SAMUEL HUNTINGTON	. . . . .	28th September, 1779.
THOMAS M'KEAN	. . . . .	10th July, 1781.
JOHN HANSON	. . . . .	5th November, 1781.
ELIAS BOUDINOT	. . . . .	4th November, 1782.
THOMAS MIFFLIN	. . . . .	3d November, 1783.
RICHARD HENRY LEE	. . . . .	30th November, 1784.
JOHN HANCOCK	. . . . .	25th November, 1785.
but did not attend, resigned.	. . . . .	5th June, 1786.
NATHANIEL GORHAM	. . . . .	6th June, 1786.
ARTHUR St. CLAIR	. . . . .	2d February, 1787.
CYRUS GRIFFIN	. . . . .	22d January, 1788.

(a) This gentleman, distinguished as the 1st President, of the 1st Congress, and whose name appears associated with all the publick transactions of the times, *died* suddenly in *Philadelphia*, on Sunday the 22 of *October*, 1775, while attending there in Congress, as one of the delegates from *Virginia*.

The entry in the *Journal* in reference to his death, is as *follows*,

"Monday, *October* 23d, 1775. The Congress being informed, that yesterday the hon. *Peyton Randolph, Esq.* suddenly departed this life,

"*Resolved*, That the Congress will attend his funeral as mourners, with a crape round their left arm, according to the association.

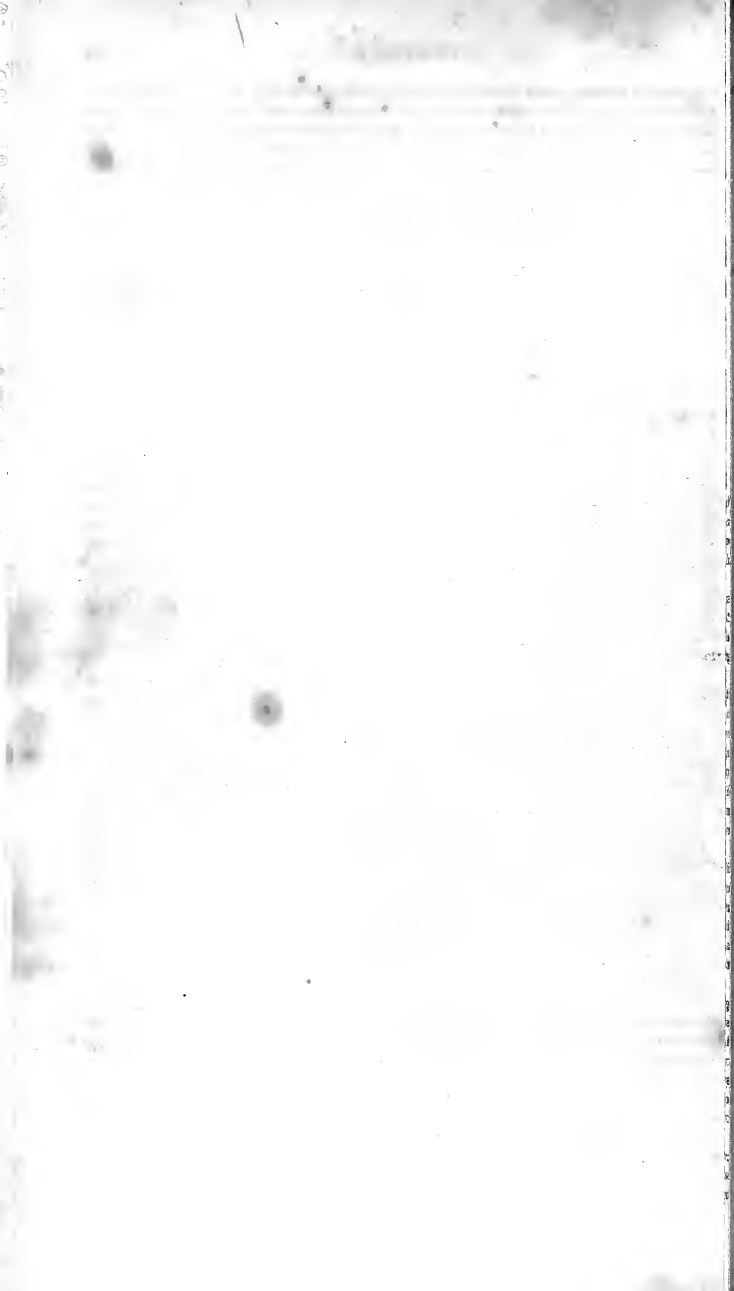
"That the Congress thus continue in mourning, for the space of one month.

"That a committee of three be appointed, to superintend the funeral.

"The members chose, Mr. Middleton, Mr. Hopkins, and Mr. Chase.

"That the Committee wait on the Rev. Mr. Duche', and request him to prepare a proper discourse, to be delivered at the funeral."

Note.—Inverted commas, thus " " denote an extract; and I have referred in all material matters, to the name of the author: quotations from the "*Journals*" of Congress, will of course be understood.



HISTORICAL NOTES

&c.

CHAP. I.

Containing transactions &c., between 1763 & 1776.

AT the close of the war, (of 1756,) between Great Britain and France, terminated by the treaty of Paris in 1763; the British colonies of North America, were attached to the mother country, by every tie which could add strength to the connexion; by the sympathies of a common extraction, and history; and the more endearing affections and solitudes, which flowed from domestic affinities and private interests, encircling and blessing all.

But to these were added, the stronger cement of national identity; a common language; the same religious creeds, and venerable laws, and institutions; like manners, pursuits, congenial tastes, and even prejudices;—above all, it was upheld by the pride which the colonists cherished, as common inheritors of British liberty, (possessed by no other people,) and partakers in all the glories of British pre-eminence, in knowledge and refinement, arms and empire.

The recent war, so glorious to both in its prosecution and results, so peculiarly American in its origin and objects; and in which they co-operated, in so many arduous military enterprises, had inspired mutual respect, and a warmth of attachment unfelt before; there was a confidence also, reposed by the colonies, in the affectionate disposition and mighty power of the mother country, unrestrained by any fear, or jealousy:—George the III, then in the 3d year of his reign, by the splendour of the British arms in all quarters, the extension and security which war had given to his realms and by his vast military and naval superiority, with an extent of commerce and manufactures unequalled, was universally deemed the most powerful monarch at that time in Europe, and highly popular in all his dominions.

This flattering scene however, was soon to be changed; those sentiments and interests, which if cultivated, might have long (though not always,) retained the colonies a part of the British empire, were suddenly extinguished, by the folly and the arrogance of British ministers; men ignorant of human nature, and in government, and deaf to admonition and experience:—fortunate indeed for America, and for mankind!—but affording a solemn lesson to every people, who repose a blind confidence in the talents or virtues of particular men, however popular, or whatever be their pretensions.

The triumphs of the war, and the promised blessings of peace and concord, were at once forgotten and lost in sordid views to *revenue*; views equally hostile to justice and to policy. Not satisfied with the *monopoly* of the whole product of American industry and trade, expended for her manufactures and articles of consumption, increasing beyond calculation, silently pouring millions into the lap of England; her infatuated ministers, resolved to *force* upon the colonies, a system of *internal taxation*; limited only by the will of a *British* parliament, prescribing its objects, its extent, continuance, and means of collection; *without* the *consent* or participation, of millions of British subjects, doomed to bear the burthen, and the disgrace.

No choice was proffered, but submission or resistance; and the colonies did not hesitate: they resolved, that no power on earth should wrest from them, *property*, and the fruits of their toil and industry, without their *consent*:—this was the origin of the most extraordinary revolution on record, and upon this issue, did the contest turn.

The question of *taxing* the colonies by an English *parliament*, was of early date. In 1696, a pamphlet was published in England, recommending a parliamentary tax on one of them: It was answered by two others much read, which totally denied the *power* of taxing the colonies; for the reason, "that they had no *representatives* in parliament to give their *consent*:" no reply was made to these, no censure passed on them; men were not startled at the doctrine, as either new or illegal, or derogatory to the rights of parliament. But in point of fact, the power was exercised, by an act of parliament, in 1710, "for establishing a general *post office*, for all her Majesty's (1) *American* dominions, and for settling a weekly sum, out of the revenue thereof, for the service of the war, and other her Majesty's occasions:" under this act, a post office was established in the colonies.

The people did not however complain of this, not considering it as designed to raise a *revenue* from them, but rather tending to their convenience: besides, it left every one as before, free to choose a private or publick conveyance.

It would appear that in 1754, the British *cabinet* first begun to entertain *settled* designs of taxing the colonies by act of parliament; the revenue to be carried into the British exchequer, in each colony, and appropriated as the parliament should direct: at that period, the French, then possessing *Canada*, had formed the great design of extending their dominion to the gulph of Mexico; embracing all the region north and west of the Allegheny mountain, and generally all the country, whose rivers and streams of water flowed into the Allegheny, Ohio, and Mississippi rivers, under pretence of its being comprised in Louisiana.

This purpose, which was hardly concealed, and the execution of which, was commenced on the Ohio, produced the greatest sensation in England and the colonies:—a war with France, seemed from the first inevitable:—It was in fact commenced by *Virginia* under the authority of the British ministry, who had given instructions to the colonies, to oppose the encroachments of the French, by force of arms.

This colony accordingly, detached a force in the spring of 1754, for the purpose of reducing fort *Duquesne* (now Pittsburgh): a Mr. Fry, was appointed Col. of the Regiment, and Major Washington Lt. Col., but the Col. dying, the command devolved on Washington; (2) with a part of his regiment in advance, he surprised and captured a detachment of the French at the Great Meadows.

The general design however failed; Col. Washington, not having more than 400 men, was compelled to intrench at the meadows, and wait the attack of the French from fort *Duquesne*, under Monseieur de Villier, commanding about 1500 French and Indians:—the assault upon the American fort (called fort Necessity, a mere stockade) was made on the 3d July: The Americans "fought partly within the stockade, and partly in the surrounding ditch, which was nearly filled with mud and water. Colonel Washington in person, continued the whole day on the outside of the fort, encouraging the soldiers by his countenance and example. The enemy fought under cover of the trees and high grass, with which the country abounds. The engagement was continued with great resolution from ten in the morning until dark, when monsieur de Villier demanded a parley, and offered terms of capitulation. The proposals first made were rejected; but in the course of the night, articles were signed by which the fort was surrendered, on condition that its garrison should be allowed the honours of war; should be permitted to retain their arms and baggage; and to march without molestation into the inhabited parts of Virginia." (3)

Thus the war commenced, and was carried on in America from that time; but not formally declared between England and France, until 1756, and from thence takes the name of the war of 1756. Early in this year, [1754,] "the lords commissoiners for trade and plantations, had recommended to the several colonies, to appoint commissioners to meet each other. Their lordships designed, that there should be a general league of friendship, between all the colonies and the Indians, in his majesty's name. (April 10.) The *Massachusetts* general court not only acceded to the proposal, but both houses desired his excellency, governor *Shirley* 'to pray his majesty, that affairs which relate to the six nations and their allies, may be put under some general direction as his majesty shall think proper; that the several governors may be obliged to bear their proportions of defending his majesty's territories against the encroachments of the French, and the ravages and incursions of the Indians.

"[July.] A general meeting of the governors and chief men from several of the colonies, was held at *Albany*. At this congress, the commissioners were unanimously of opinion, that an *union* of all the colonies was absolutely necessary for their common defence. The plan was, in short,

(1) *Queen Anne.*(2) *Then 22 years of age.*(3) *Marshall.*

'That a grand council should be formed, of members to be chosen by the *assemblies*, and sent from all the colonies; which council, together with a president-general with a negative voice, to be appointed by the crown, should be empowered to make general laws; to raise money in all the colonies for the defence of the whole; apportion the quotas of men and money, to be raised by each colony; determine the building of forts; regulate the operations of the armies, and concert all measures for the common preservation and safety.' It was drawn up by *Mr. Hutchinson*, was accepted, and sent home. (1) Had it been approved and established, *British America* thought itself sufficiently able to cope with the *French* without further assistance; several of the colonies, in former years, having alone withstood the enemy, unassisted not only by the mother country, but by any of the neighbouring provinces. A *stamp act* was talked of among the commissioners, of which number was *Mr. (now Dr.) Franklin*, one of the three from Pennsylvania; and it was thought a proper mode of taxing, under the apprehension, that in its operation it would affect the several governments fairly and equally. The idea of a stamp act had been held out, so early as 1739, in two publications drawn up by a club of American merchants, at the head of whom were *Sir William Keith*, governor of Pennsylvania, *Mr. Joshua Gee*, and many others. They proposed, for the protection of the British traders among the Indians, the raising a body of regulars, to be stationed all along the western frontier of the British settlements; and that the expense should be paid from the monies arising from a duty on stamp paper and parchment in all the colonies, to be laid on them by act of parliament. The *Albany* congress plan, was not agreeable to the views of ministry; instead of this confederation, another was proposed, 'That the *governors* of all the colonies, attended by one or two members of their respective councils, should assemble, concert measures for the defence of the whole, erect forts where they judged proper, and raise what troops they thought necessary, with power to draw upon the British treasury for the sums that should be wanted; and the treasury to be re-imbursed, by a tax laid on the colonies by an act of *parliament*.'" (2)

The ministerial scheme was transmitted to governor *Shirley* of Massachusetts, who favoured it; he communicated it to *Dr. Franklin*, then at Boston his native place, for his opinion; who next day returned the following answer:

"SIR,

Wednesday morning, Dec. 1754.

"I mentioned it yesterday to your excellency, as my opinion, that excluding the *people* of the colonies from all share in the choice of the grand council, would probably give extreme dissatisfaction, as well as the taxing them by an act of parliament, where they have no representative. In matters of general concern to the people, and especially where burdens are to be laid upon them, it is of use to consider, as well what they will be apt to think and say, as what they ought to think; I shall therefore, as your excellency requires it of me, briefly mention what of either kind occurs to me on this occasion.

"First, they will say, and perhaps with justice, that the body of the people in the colonies are as loyal, and as firmly attached to the present constitution and reigning family, as any subjects in the king's dominions:

"That there is no reason to doubt the readiness and willingness of the representatives they may choose, to grant from time to time such supplies for the defence of the country, as shall be judged necessary, so far as their abilities will allow:

"That the people in the colonies, who are to feel the immediate mischiefs of invasion and conquest by an enemy, in the loss of their estates, lives and liberties; are likely to be better judges of the quantity of forces necessary to be raised and maintained, forts to be built and supported, and of their own abilities to bear the expense, than the parliament of England, at so great a distance:

"The governors often come to the colonies merely to make fortunes, with which they intend to return to Britain; are not always men of the best abilities or integrity; have many of them no estates here, nor any natural connexions with us, that should make them heartily concerned for our welfare; and might possibly be fond of raising and keeping up more forces than necessary, from the profits accruing to themselves, and to make provision for their friends and dependants:

"That the councillors in most of the colonies, being appointed by the crown on the recommendation of the governors, are often of small estates, frequently dependent on the governors for offices, and therefore too much under influence:

"That there is, therefore, great reason to be jealous of a power in such governors and councils, to raise such sums as they shall judge necessary, by draft on the lords of the treasury, to be after-

ward laid on the colonies by act of parliament, and paid by the people here; since they might abuse it, by projecting useless expeditions, harrassing the people, and taking them from their labour to execute such projects, merely to create offices and employments, and gratify their dependants, and divide profits:

"That the parliament of England is at a great distance, subject to be misinformed and misled by such governors and councils, whose united interests might probably secure them, against the effect of any complaint from hence:

"That it is supposed to be an undoubted right of *Englishmen*, not to be taxed but by their own consent, given through their representatives:

"That the colonies have no representatives in parliament:

"That to propose taxing them by parliament, and refuse them the liberty of choosing a representative council, to meet in the colonies, and consider and judge of the necessity of any general tax, and the quantum; shows a suspicion of their loyalty to the crown, of their regard for their country, or of their common sense and understanding, which they have not deserved:

"That compelling the colonies to pay money without their consent, would be rather like raising contributions in an enemy's country, than taxing *Englishmen* for their own publick benefit:

"That it would be treating them as a conquered people, and not as true British subjects:

"That a tax laid by the representatives of the colonies might easily be lessened, as the occasion should lessen; but being once laid by parliament, under the influence of the representations made by governors, would probably be kept up, and continued for the benefit of governors, to the grievous burden and discouragement of the colonies, and prevention of their growth and increase:

"That a power in governors to march the inhabitants from one end of the British and French colonies to the other, being a country of at least 1500 miles square, without the approbation or consent of their representatives first obtained, might occasion expeditions grievous and ruinous to the people, and would put them upon a footing with the subjects of France in Canada, that now groan under such oppression from their governor, who for two years passed, has harrassed them with long and destructive marches to the Ohio:

"That, if the colonies in a body may be well governed, by governors and councils appointed by the crown without representatives, particular colonies may as well, or better, be so governed: a tax may be laid on them all by act of parliament for support of government, and their assemblies be dismissed as an useless part of the constitution:

"That the powers proposed by the *Albany* plan of union, to be vested in a grand representative council of the *people*, even with regard to military matters, are not so great as those the colonies of *Rhode-Island* and *Connecticut* are entrusted with by their charter, and have never abused: for by this plan the president general is appointed by the crown, and controls all by his negative; but in these governments the people choose the governor, and yet allow him no negative:

"That the British colonies bordering on the French, are properly frontiers of the British empire; and the frontiers of an empire are properly defended at the joint expense of the body of the people in such empire. It would now be thought hard, by an act of parliament to oblige the cinque ports, or sea coasts of Britain, to maintain the whole navy, because they are more immediately defended by it; not allowing them at the same time, a vote in choosing the members of parliament; and if the frontiers in America must bear the expense of their own defence, it seems hard to allow them no share in voting the money, judging of the necessity and sum, or advising the measures:

"That besides the taxes necessary for the defence of the frontiers, the colonies pay yearly great sums to the mother country unnoticed; for taxes paid in Britain, by the landholder or artificer, must enter into and increase the price of the produce of land, and of manufactures made of it; and great part of this is paid by consumers in the colonies, who thereby pay a considerable part of the British taxes.

"We are restrained in our trade with foreign nations; and where we could be supplied with any manufacture cheaper from them, but must buy the same dearer from Britain, the difference of price is a clear tax to Britain. We are obliged to carry great part of our produce directly to Britain, and wherein the duties there laid upon it lessen its price to the planter, or it sells for less than it would in foreign markets—the difference is a tax paid to Britain.

"Some manufactures we could make, but are forbidden, and must take of *British* merchants; the whole price of these is a tax paid to Britain.

"By our greatly increasing the demand and consumption of British manufactures, their price is considerably raised of late years; their advance is clear profit to Britain, and enables its people better to pay great taxes; and much of it being paid by us, is a clear tax to Britain.

"In short, as we are not suffered to regulate our trade, and restrain the importation and consumption of British superfluities, (as Britain can the consumption of foreign superfluities) our whole wealth centres finally among the merchants and inhabitants of Britain; and if we make them richer, and enable them better to pay their taxes, it is nearly the same as being taxed ourselves, and equally beneficial to the crown. These kind of secondary taxes, however, we do not complain of, though we have no share in the laying or disposing of them: but to pay immediate heavy taxes, in the laying, appropriation, and disposition of which we have no part, and which, perhaps, we may know to be as unnecessary as grievous; must seem hard measure to *Englishmen*, who cannot conceive, that by hazarding their lives and fortunes, in subduing and settling new countries, extending the dominion, and increasing the commerce of their mother nation, they have forfeited the native rights of *Britons*, which they think ought rather to be given them as due to such merit, if they had been before in a state of slavery. These, and such kind of things as these, I apprehend will be thought and said by the people, if the proposed alteration of the Albany plan should take place. Then the administration of the board of governors and councils so appointed, not having any representative body of the people to approve and unite in its measures, and conciliate the minds of the people to them, will probably become suspected and odious: dangerous animosities and feuds will arise between the governors and governed, and every thing go into confusion.

"Perhaps I am too apprehensive in this matter; but having freely given my opinion and reasons, your excellency can judge better than I, whether there be any weight in them; and the shortness of the time allowed me, will, I hope, in some degree, excuse the imperfections of this scrawl.

"With the greatest respect and fidelity, I have the honour to be, your excellency's most obedient and most humble servant,

BENJAMIN FRANKLIN."(1)

It will be perceived that it was part of the ministerial plan, to erect, (during the war, which was then quite certain,) a kind of general *executive* government over the colonies, to be composed of the *governors*, and one or two members of the *councils*, of the respective provinces:

This body, chiefly in the appointment of the *king*, were to concert measures for the common defence, the expenditures to be advanced by England, but after the war, to be reimbursed to the British treasury, by a *tax* on the colonies, imposed by the *parliament* of Great Britain.

The letter of *Dr. Franklin*, is inserted *entire*:—It was drawn up in a few hours, over night, while on a casual visit at Boston: in a very conclusive manner, it exposes the whole scheme, in the finest train of argument, pointed by the keenest satire, so delicately wrought however into every sentence, as that no possible exception could be taken on that account.

The letter is given *entire* for another reason; as containing the soundest maxims of government, conveyed in the most admirable style of simplicity, clearness, and force:—it would be inconceivable, that men, however deficient in political knowledge, should not perceive the force of such reasoning:—and in fact, ministers dropped the design then, but in *May*, [1755,] governor *Shirley* wrote to governor *Wentworth* of New-Hampshire:—"I may assure your excellency, from every letter I have of late received from Sir Thomas Robinson, I have reason to think that his majesty hath a dependance upon a *common fund's* being raised in all his colonies upon this continent, in proportion to their respective abilities, for defraying all articles of expense entered into for their common defence; and that such an one must in the end, be either voluntarily raised, or else assessed in some way or other.' The ministry discovering a disposition to raise a revenue on them, this induced the *Massachusetts* general court [Nov. 6.] thus to instruct their agent; 'It is more especially expected, that you oppose every thing that shall have the remotest tendency to raise a *revenue* in the plantations, for any publick uses or services of government;' he wrote to them the twenty-ninth of May following, 'The inclinations I have reason to think still continue, for *raising a revenue* out of the molasses trade.' The alarming state of publick affairs might divert the ministry from pursuing their inclinations at that time."(1)

About the beginning of 1760, *Mr. Pitt*, (afterwards lord Chatham, and then prime minister,) wrote to *Francis Fauquier* lieutenant governor of *Virginia* "that though they had made grants to the colonies, yet, when the war was over, they should tax them, in order to *raise a revenue* from them. *Mr. Fauquier*, in his answer, expressed his apprehension that the measure would occasion great disturbance. The answer might divert *Mr. Pitt* from his intention. Many months before, lord *Camden* (then *Mr. Pratt*) said to *Mr. Franklin*, in a course of free conversat-

tion, 'For all what you *Americans* say of your loyalty, I know you will one day throw off your dependence upon this country; and notwithstanding your boasted affection to it, will set up for independence.' The other answered, 'No such idea is entertained in the mind of the *Americans*; and no such idea will ever enter their heads, unless you grossly abuse them.' 'Very true (replied Mr. Pratt) that is one of the main causes I see will happen, and will produce the event.'"(1)

In 1763, "Mr. *Israel Mauduit*, the Massachusetts agent in England, gave early notice of the ministerial intentions to tax the colonies; but the general court not being called together till the latter end of the year, instructions to the agent, though solicited by him, could not be sent in season.

[1764.] "The house of representatives came to the following resolutions—'That the sole right of giving and granting the money of the people of that province, was vested in them as their legal representatives; and that the imposition of duties and taxes by the parliament of Great-Britain, upon a people who are not represented in the house of commons, is absolutely irreconcilable with their rights. That no man can justly take the property of another without his consent; upon which original principle, the right of representation, in the same body which exercises the power of making laws for levying taxes, one of the main pillars of the *British constitution*, is evidently founded.'

"These resolutions were occasioned by intelligence, of what had been done, in the British house of commons. It had been there debated in March, whether they had a *right* to tax the *Americans*, they not being represented, and determined unanimously in the affirmative. Not a single person present ventured to controvert the *right*. Soon after, the (sugar or molasses) act was passed; [April 5] and 'it is certainly true, that till then, no act avowedly for the purpose of revenue, and with the ordinary title and recital taken together, is found in the statute book. All before stood on *commercial regulations and restraints*.'(2) It is stiled 'an act for granting certain duties in the British colonies and plantations in America, for continuing, amending, and making perpetual, an act passed in the sixth year of George the second (entitled an act for the better securing and encouraging the trade of his majesty's colonies in America) for applying the produce of such duties, &c.' From its perpetuating the sugar act of George II. it is called the sugar or molasses act. It runs thus, 'Whereas it is expedient that new provisions and regulations should be established in improving the revenue of this kingdom, and for extending and securing the navigation and commerce between Great-Britain and your majesty's dominions in America—And whereas it is just and necessary, that a *revenue* be raised in *America* for defraying the expenses of defending, protecting, and securing the same—We, the commons, &c. towards raising the same, give and grant unto your majesty, after the 29th of September, 1764, upon clayed sugar, indigo and coffee of foreign produce—upon all wines, (except French)—upon all wrought silks, Bengals and stuffs mixed with silk, of Persia, China, or East-India manufacture—and all calicoes painted, printed or stained there (certain specified duties)(3)—upon every gallon of molasses and syrups, being the produce of a colony not under the dominion of his majesty, the sum of three-pence—the monies arising, after charges of raising, collecting, &c. are to be paid into the receipt of his majesty's exchequer—shall be entered separate, and be reserved to be disposed of by parliament, toward defraying the necessary expenses of defending, &c. the British colonies.' The wording of the act might induce the colonies to view it as the beginning of sorrows; and they might fear that the parliament would go on in charging them with such taxes as it pleased, for such military forces as it should think proper.—This ill prospect seemed to the *Americans* boundless in extent, and endless in duration.

"They objected not to the *parliament's right of laying duties to regulate commerce*; but the *right of taxing them* was not admitted. The ministerial plan sent to Mr. Shirley in 1754, occasioned much conversation on the subject, and the common opinion was, that the parliament could not tax them till duly represented in that body, because it was not just, nor agreeable to the nature of the English constitution. But though few or none were willing to admit the *right*, the generality were cautious, how they denied the *power*, or the obligation to submit on the part of the *Americans*, when the power was exercised."(1)

Against this act, the most spirited petitions and remonstrances were made by the colonies, and every ground taken, as well to the *right* as the justice of it:—The Massachusetts assembly was the first representative body which took the act into consideration; they immediately instructed Mr. *Mauduit* [June,] "to use his endeavours to obtain a repeal of the sugar act, and to exert

(1) Gord.

(2) *Burke's speech, April 19, 1774.*(3) *Also, lawns and cambricks.*

himself to prevent a stamp act, or any other imposition and taxes upon this and the other American provinces. They do not appear to have made any particular objection to the term *revenue*, introduced into the sugar act; but to have confined their objections, to the laying on of the duty, when they were not represented.

"The act disgusted the more, because of its being so unseasonable. The duties were to be paid in specie, while the only means of procuring it were cut off. The ministry, resolved to prevent smuggling, obliged all sea officers, stationed on the American coasts, to act in the capacity of the meanest revenue officers, making them submit to the usual custom-house oaths and regulations for that purpose. This proved a great grievance to the American merchants and traders. Gentlemen of the navy were unacquainted with custom-house laws. Many illegal seizures were made. No redress could be had but from Britain, which it was tedious and difficult to obtain. Beside, the American trade with the *Spaniards*, by which the British manufactures were vended in return (for gold and silver in coin or bullion, cochineal, &c. as occasion served) was almost destroyed instantly, by the armed ships under the new regulations. The trade was not literally and strictly according to law, but highly beneficial; and a thorough statesman would have declined employing his own navy in crushing it. The trade also from the northern colonies with the *French West-India* islands was nearly suppressed. These irritating measures strengthened the opposition to the sugar act." (1)

[June 13.] They ordered, that "Mr. Otis and four others of the house should be a committee in the recess of the court, to write to the other governments, and acquaint them with the instructions voted to be sent to their agent; and that the said committee, in the name and behalf of the house, should desire the several assemblies on the continent to join with them in the same measures. The committee attended to the business, and the end proposed by it was answered: committees were moreover appointed by divers other colonies, to correspond with the several assemblies, or committees of assemblies, on the continent. Thus a new kind of correspondence was opened between the colonies, tending to unite them in their operations against ministerial encroachments on their privileges, and which proved of great advantage to them afterward.

"[Oct. 24.] At the next session, a committee was appointed to consider the state of the province, as it might be affected by certain duties and taxes laid, and proposed to be laid by acts of parliament upon the colonies. The consequence was, a committee of the council and house to prepare an address to the parliament. The lieutenant governor, Mr. *Hutchinson*, who was of the council, was chairman, but declined drawing up any. Several were proposed, which expressed in strong terms an exclusive right in the assembly to impose taxes. He urged the indecency and bad policy, when they had the resolutions of the house of commons before them, of sending an address, asserting, in express words, the contrary. Many days having been spent upon the business, at the desire of the committee he drafted an address, which considered the *sole power* of taxation as an indulgence, of which they prayed the continuance, and it was *unanimously* agreed to. The petition does not intimate the least denial of the right of parliament to tax them; but sets forth the impolicy of the laws, and the hardships brought upon the petitioners, and prays that they may be relieved from the burdens brought upon them by the sugar act; that the privileges of the colonies relative to their internal taxes, which they have so long enjoyed, may be still continued; or that the consideration of such taxes as are proposed to be laid upon the colonies, may be deferred, until the petitioners, in conjunction with the other governments, can have an opportunity to make a full representation of the state and condition of the colonies, and the interest of Great-Britain with regard to them. The proceeding of the general court was approved of out of doors, until the copy of the *New-York* address was received, which was so high, that many of the friends of liberty were mortified at their own conduct, and if possible, would gladly have recalled their own doings." (1)

"[Nov. 13.] The Massachusetts petition was forwarded by governor Bernard, and accompanied with a letter to lord *Halifax*: in which he wrote, 'Massachusetts is the only one of the old colonies, that I know of, that enjoys a specie currency. This reflects great honour upon the province itself, as it is a great instance of their prudence, who took hold of a singular opportunity to destroy their paper money, which other colonies who had it equally in their power neglected. But I fear, that if the great sums which are expected to be raised in America are to be transported to Great-Britain, there will soon be an end to the specie currency of the Massachusetts, which will be followed by a total discouragement for the other provinces to attempt the same in future. In

which case, perpetual paper money, the very negative power of riches, will be the portion of America.' After arguing against the duties, from America's being unable, for want of a sufficient specie currency, to pay them without being drained of their specie, as it would require a dead stock of three years value of the annual income of the revenues, he added, 'If due care be taken to confine the sale of manufactures and European goods (except what shall be permitted) to Great-Britain only, all the profits of the American foreign trade will necessarily centre in Great-Britain; and therefore, if the first purpose is well secured, the foreign American trade is the trade of Great-Britain. The augmentation and diminution, the extension and restriction, the profit and loss of it all, finally comes home to the mother country. It is the interest of Great-Britain, that the trade to both the Spanish and French West-Indies should be encouraged as much as may well be, and the British West-Indies should be taught that equitable maxim, *live and let live*. It appeared to be the decided opinion of the governor, that the sending home the produce of the duties and taxes proposed, would take from the Americans the means of trade, and render it impracticable for them to make remittances to Great-Britain.

"The *Virginia* council and house of burgesses petitioned the king, presented a memorial to the house of lords, remonstrated to the house of commons. *New-York, Rhode-Island, &c.* petitioned.

"The *New York* petition was conceived in such strong terms, and deemed so inflammatory, that their agent could not prevail on any one member of the house, to present it.

"Beside the colonial proceedings related above, it must be noted, that the inhabitants of several places met, and agreed not to buy any clothing (they could do without), which was not of their own manufacturing. Divers associations also were formed, all of whom resolved to consume as few British manufactures as possible.

"The raising of a revenue from the molasses trade, and a fund to defray the expenses of defending the colonies, were in contemplation nine years before; but the resolutions taken by the house of commons in the beginning of this year, might be forwarded by Mr. *Huske*, an *American*, a native of *Portsmouth* in *New-Hampshire*, who a short time before obtained a seat in parliament. Instead of standing forth a firm advocate for the country which gave him birth, he officiously proposed to the house laying a tax on the colonies, that should annually amount to five hundred thousand pounds sterling, which he declared they were well able to pay: and he was heard with great joy and attention. He, or some other, recollecting that the stamp act was talked of by the commissioners at Albany in 1754, might suggest that mode of taxing: for whatever was thought, the stamp act was not originally Mr. *Grenville's*.

"The disposition to tax the *Americans*, unless they would tax themselves equal to the wishes of the ministry, was undoubtedly strengthened by the reports of their gaiety and luxury, which reached the mother country: it was also said, that the planters lived like princes, while the inhabitants of *Britain* laboured hard for a tolerable subsistence. The officers lately returned, represented them as rich, wealthy, and even overgrown in fortune. Their opinion might arise from observations made in the American cities and towns during the war, while large sums were spent in the country for the support of fleets and armies. American productions were then in great demand, and trade flourished. The people, naturally generous and hospitable, having a number of strangers among them, indulged themselves in many uncommon expenses. When the war was terminated, and they had no further apprehension of danger, the power of the late enemy in the country being totally broken—*Canada*, and the back lands to the very banks of the *Mississippi*, with the *Floridas*, being ceded to *Great-Britain*—it was thought they could not well make too much of those who had so contributed to their security. Partly to do honour to them, and partly, it is to be feared, to gratify their own pride, they added to their show of plate, by borrowing of their neighbours, and made a great parade of riches in their several entertainments. The plenty and variety of provisions and liquors enabled them to furnish out an elegant table, at a comparatively trifling expense."(1)

But the act went into operation: The colonies were not yet prepared for resistance, and scarcely determined on the question of right:—Indeed, the difference between one act of exclusive legislation, and another, in reference to the colonies, was not very definable.

In this year also, Mr. *Grenville*, first commissioner of the treasury, following up the sugar act, and the American revenue system, communicated to the colonial agents in London his intended Stamp act. "Many of them did not oppose it. Half their number were placemen, or

dependent on the ministry. Mr. *Joseph Sherwood*, an honest quaker agent for *Rhode-Island*, refused his assent to America's being taxed by a British parliament. Mr. *Mauduit*, the Massachusetts agent, favoured the raising of the wanted money by a stamp duty, as it would occasion less expense of officers, and would include the West-India islands. But the scheme was postponed, and the agents authorised to inform the American assemblies, that they were at liberty to suggest any other way of raising monies; and that Mr. Grenville was ready to receive proposals for any other tax, that might be equivalent in its produce to the stamp tax. The colonies seemed to consider it as an affront, rather than a compliment. He would not have been content with any thing short of a certain specifick sum, and proper funds for the payment of it. Had not the sums been answerable to his wishes, he would have rejected them; and he would scarce have been satisfied with less than 300,000*l.* per annum, which was judged absolutely necessary to defray the whole expense of the army proposed for the defence of America. No satisfactory proposals being made, he adhered to his purpose of bringing forward the stamp bill, though repeatedly pressed by some of his friends to desist, while he might have done it with honour. *Richard Jackson*, esq. had been chosen the agent for Massachusetts; he, with Mr. *Ingersoll*, Mr. *Garth*, and Mr. *Franklin*, lately come from Philadelphia, waited on Mr. Grenville the second of February, 1765, by desire of the colonial agents, to remonstrate against the stamp bill, and to propose, that in case any tax must be laid upon America, the several colonies might be permitted to lay the tax themselves. At this interview, Mr. *Jackson* opened his mind freely on the subject; and Mr. *Franklin*, as must be supposed, mentioned, that he had it in instruction from the assembly of *Pennsylvania*, to assure the ministry, that they should always think it their duty to grant such aids to the crown as were suitable to their circumstances, whenever called for in the usual constitutional manner. Mr. Grenville, however, pertinaciously adhered to his own opinions; and said, that he had *pledged his word for offering the stamp bill to the house*, and that the house would hear their objections, &c. &c.

"The bill was brought in; (1) and on the first reading, Mr. *Charles Townshend* spoke in its favour. He took notice of several things that colonel *Barre'* had said in his speech against it; and then concluded with the following, or like words: 'And now will these *Americans*, children planted by our care, nourished up by our indulgence, until they are grown to a degree of strength and opulence, and protected by our arms, will they grudge to contribute their mite to relieve us, from the heavy weight of that burden which we lie under?'

"On this colonel *Barre'* rose, and, after explaining some passages in his speech, took up Mr. *Townshend's* concluding words in a most spirited and inimitable manner, saying, '*They planted by your care!*—no—your oppressions planted them in America. They fled from your tyranny, to a then uncultivated and inhospitable country, whence they exposed themselves to almost all the hardships to which human nature is liable; and, among others, to the cruelties of a savage foe, the most subtle, and I will take upon me to say, the most formidable of any people upon the face of God's earth; and yet, actuated by principles of true English liberty, they met all hardships with pleasure, compared with those they suffered in their own country, from the hands of those that should have been their friends. *They nourished up by your indulgence!*—they grew by your neglect of them. As soon as you began to care about them, that care was exercised in sending persons to rule them, in one department and another, who were, perhaps, the deputies of deputies to some members of this house, sent to spy out their liberties, to misrepresent their actions, and to prey upon them—men, whose behaviour on many occasions, has caused the blood of those *sons of liberty* to recoil within them—men promoted to the highest seats of justice—some who to my knowledge were glad, by going to a foreign country, to escape being brought to the bar of a court of justice, in their own. *They protected by your arms!*—they have nobly taken up arms in your defence; have exerted a valour, amidst their constant and laborious industry, for the defence of a country, whose frontier was drenched in blood, while its interior parts, yielded all its little savings to your emolument. And believe me, remember I this day told you so, that same spirit of freedom which actuated that people at first, will accompany them still—but prudence forbids me to explain myself further. God knows I do not at this time speak from motives of party heat; what I deliver are the genuine sentiments of my heart. However superiour to me in general knowledge and experience, the respectable body of this house may be, yet I claim to know more of America than most of you, having seen and been conversant in that country. The people, I believe, are as truly loyal as any subjects the king has; but a people

jealous of their liberties, and who will vindicate them if ever they should be violated—but the subject is too delicate—I will say no more.’ These sentiments were thrown out so entirely without premeditation, so forcibly and so firmly, and the breaking off so beautifully abrupt, that the whole house sat a while amazed, intently looking, without answering a word.

“The London merchants trading to America, being much alarmed on account of their outstanding debts, petitioned against the stamp act. Their petition was offered at the second reading of the bill. The rule of the house, never to receive petitions against money bills, was urged. General *Conway* observed, that it appeared undeniable, that the practice was by no means invariable; at best it was but a practice of convenience, from which they ought, in the present instance, to vary. The ministry publicly declared, ‘*That it was intended to establish the power of Great-Britain to tax the colonies.*’ They were induced to make a point of it, because most of the petitions from thence denied, in the strongest terms, the right of Britain to impose taxes. It was evident that the ministerial forces would prevail, the petition of the London merchants was therefore withdrawn. After that the others from the colonies were offered, but rejected upon the plea taken from the rule of the house. During the debate upon the bill, in this stage of it, ‘General *Conway* denied the right of parliament to tax the *Americans*, in the most peremptory manner; and urged, with great vehemence, the many hardships, and what he was pleased to call absurdities that would follow, from the contrary doctrine and practice.’ Alderman Beckford also disputed the right of parliament, according to Mr. Ingersoll’s letter.

“The supporters of the stamp act insisted much upon the colonies being *virtually* represented, and mentioned *Leeds, Halifax, Birmingham, Manchester* &c., as enjoying a *virtual representation*. Whoever had a recourse to a *virtual representation* of the colonies, in vindication of the parliament’s taxing them, therein acknowledged, that there ought not to be taxation without representation. But the difference between *Leeds, Halifax, &c.* and the *American* colonies, is as wide as the *Atlantic*. The landholders of those towns enjoy a real representation, if their freeholds yield a certain annual income. Many of the inhabitants have a choice in the election of members, in one place or another. The general interests of the freeholders and tenants, electors and non-electors, are so interwoven, that all are liable to be equally affected by the same common taxes. The one pays the same duty on his sugar, tea, coffee, and chocolate, as the other. The relative connexion between them, produces what may be called, with a kind of propriety, a *virtual representation*; answering, though in a lower degree, to what the family of a freeholder or freeman enjoys. But was all the soil in the British colonies a man’s freehold, it would not give him a single vote for any one member of parliament. There is not an individual in them, who, should he cross the *Atlantic*, would have a right to vote in any election, by virtue of any privileges enjoyed in America. He must be a freeholder of Britain, or a freeman of some British city, borough, or corporation, and have a British qualification, before he can elect or be elected. The interests of *America* and *Britain* are not interwoven, as are those of British electors and non-electors. If the British parliament impose taxes on the Americans, Britons do not bear with them, their part and proportion in these taxes. The former are burdened that the latter may be eased. The monies raised have the nature of a tribute, exacted from a conquered people in a slavish dependence, and not of a tax voluntarily granted by the voice of freemen, through their own elected representatives, paying scot and lot with themselves, for the support of government. Beside, the British parliament are so far removed from America, that they cannot obtain that full information respecting the colonies, which ought always to accompany the exercise of a taxing power.

“When the question upon the bill, in its last stage, was brought to a vote, there were about 250 for, and 50 against it. In the house of lords, so strong was the unanimity, that there was not a single syllable uttered against the bill; and on the twenty-second of March, it obtained the royal assent. The night after it was passed, Dr. *Franklin* wrote Mr. *Charles Thompson*, ‘the sun of liberty is set; you must light up the candles of industry and œconomy.’ Mr. *Thompson* answered, he was apprehensive that other lights would be the consequence, and predicted the opposition that followed.

“The framers of the stamp act flattered themselves, that the confusion which would arise upon the disuse of writings, would compel the colonies to use the stamp paper, and therefore to pay the taxes imposed. Thus they were led to pronounce it, a *law which would execute itself*. Mr. Grenville, however, appears to have been apprehensive that it might occasion disorders; to prevent or suppress which, he projected another bill, which was brought in the same session, whereby it was to be made lawful for military officers in the colonies, to quarter their soldiers in

private houses.(1) This seemed intended to awe the people into a compliance with the other act. Great opposition being made to it, as under such a power in the army, no one could look on his house as his own, that part of the bill was dropt; but there still remained a clause; when passed into a law, to oblige the several assemblies to provide quarters for the soldiers, and to furnish them with firing, bedding, candles, small beer, rum, and sundry other articles, at the expense of the several provinces; which continued in force when the stamp act was repealed. It equally militated with the other against the American principle, *That money is not to be raised on English subjects without their consent.*

“Whatever might be urged, government was under no necessity of adopting this mode of taxing the colonies for their defence, and the securing of the new ceded countries. Though after the general peace, an Indian war might be continued or renewed, that was no reason for continuing British forces in America. The colonists were better able to deal with them than the regulars. The new ceded countries required no great number of troops to secure them. The colonies were at hand to support the British garrisons in case assistance was wanted: and they had repeatedly showed their readiness upon former occasions. The idea of a dangerous enemy upon the American continent, was at an end; and the British administration must have been inexcusable, had they not guarded against the transferring of one from Europe.”

The “act having passed,(2) the colony agents waited upon Mr. Wheatly by desire, who told them, that Mr. Grenville did not think of sending from Great-Britain stamp officers, but wished to have discreet and respectable persons appointed from among the inhabitants; and that he would be obliged to them to point out to him such persons. Thus the agents were drawn in to nominate. Dr. Franklin recommended Mr. *Hughes* to be chief distributor of stamps in *Pennsylvania*, and Mr. *Coxe* in the *Jersey's*; and being consulted by Mr. *Ingersoll*, advised him to accept, adding, “*go home and tell your countrymen to get children as fast as they can*”—thereby intimating his opinion of the oppression the colonies were under, and of their present inability to make effectual resistance; but that they ought, when sufficiently numerous, to shake off the yoke and recover their liberty.”(3)

“The passage of this act,(4) the operation of which was to commence on the first of November, excited throughout the colonies the most serious and universal alarm. It was believed sincerely to wound vitally the constitution of the country, and to destroy the most sacred principles of liberty. Combinations against its execution were every where formed; and the utmost exertions were used to render as diffusive as possible, a knowledge of the pernicious consequences which must flow from admitting, that America could be taxed by a legislature in which she was not represented.

[May 29.] “The assembly of *Virginia* was in session when the intelligence was received. The subject was taken up, and by a small majority, several resolutions which had been introduced by Mr. Patrick Henry, and seconded by Mr. Johnson were agreed to, one of which asserts the exclusive right of that assembly, to lay taxes and impositions on the inhabitants of that colony, and that every attempt to vest such a power elsewhere ‘is illegal, unconstitutional, and unjust, and has a manifest tendency to destroy British as well as American freedom.’

“These being the *first* resolutions of any assembly after the passage of the stamp act, are inserted. ‘WHEREAS the honourable house of commons in England, have of late drawn into question, how far the general assembly of this colony hath power to enact laws for laying taxes and imposing duties, payable by the people of this his majesty’s most ancient colony; for settling and ascertaining the same to all future times, the house of burgesses of this present general assembly have come to the several following resolutions.

“Resolved, that the first adventurers, and settlers of this his majesty’s colony and dominion of *Virginia*, brought with them, and transmitted to their posterity, and all other his majesty’s sub-

(1) *Stats.* 71. 5 *Geo.* 3. c. 32. (2) *March* 22. (3) *Gord.* (4) *See the whole act* 10. *Vol.* *Stats.* at large by Ruffhead, p. 18. *It was passed* March 22, 1765. 5. *Geo.* 3. 1765. and repealed March 19, 1766. 6 *Geo.* 3. c. 11. *It existed but one year, and was in operation but 6 months: as it was to go into operation, Nov. 1, [1765.] and stood repealed after May 1, [1766.]—Not a dollar I believe was collected:—*

The disturbances and riots which broke out; the maltreatment of stamp officers; adjournments of the courts; inflammatory publications, &c. would fill volumes: some account of these particulars is given, in 1 Gord. p. 120 to 140. The duties were to be collected, under the management of the commissioners of stamps in England; by officers under their appointment in the colonies; the proceeds to be carried to a separate account, and appropriated to the defence of the colonies: all penalties were made recoverable in the courts of admiralty, or common law, at the election of the prosecutor.

jects since inhabiting in this his majesty's colony, all the privileges and immunities that have at any time been held, enjoyed and possessed by the people of Great-Britain.

"Resolved, that by the two royal charters granted by king James I. the colonies aforesaid are declared entitled to all privileges of faithful liege, and natural born subjects, to all intents and purposes, as if they had been abiding and born within the realm of England.

"Resolved, that his majesty's most liege people of this his most ancient colony, have enjoyed the right of being thus governed by their own assembly, in the article of taxes and internal police, and that the same have never been forfeited, nor any other way yielded up, but have been constantly recognised by the king and people of Great-Britain.

"Resolved, therefore, that the general assembly of this colony, together with his majesty, or his substitute, have, in their respective capacity, the only exclusive right and power to lay taxes and impositions upon the inhabitants of this colony; and that every attempt to vest such a power in any person or persons whatsoever, other than the general assembly aforesaid, is illegal, unconstitutional and unjust, and has a manifest tendency to destroy British as well as American freedom."

"Such were the resolutions as agreed to by that part of the assembly, which was most timid. The following resolutions were also introduced by Mr. Henry, and passed the committee, but were disagreed to in the house.

"Resolved, that his majesty's liege people, the inhabitants of this colony, are not bound to yield obedience to any law or ordinance whatsoever, designed to impose any taxation whatsoever upon them, other than the laws and ordinances of the general assembly aforesaid.

"Resolved, that any person who shall, by speaking or writing, maintain that any person or persons, other than the general assembly of this colony, have any right or power to lay any taxation whatsoever on the people here, shall be deemed an enemy to this his majesty's colony."

"On the passage of these resolutions, the Lt. governor(1) dissolved the assembly, and writs for new elections were issued. But so entirely did the people take part with the opposition to the scheme of taxation proposed by ministers, that in almost every instance, the members who had voted in favour of the resolutions, were re-elected, while those who had voted against them, were generally excluded, in favour of candidates who entertained popular opinions."(2)

These resolutions undoubtedly proved the downfall of the stamp act: and prepared the public mind for opposing subsequent measures of the British cabinet; "gentlemen on the side of government who were upon the spot, in their letters written at the time, placed it to the account of the *Virginia* resolves. Mr. Hutchinson tells his correspondent, 'Nothing extravagant appeared in the papers till an account was received of the *Virginia* resolves.' Mr. Hughes writes, 'the fire began in *Virginia*:'—governor Bernard, 'the publishing the *Virginia* resolutions proved an alarm bell to the disaffected:' another, in his letter to Mr. Secretary Conway from New-York, 'the resolves of the assembly of *Virginia*, gave the signal for a general outcry over the continent.'"(3) "The legislatures of several other colonies passed similar resolutions.

[June 6.] "The house of representatives of Massachusetts, contemplating a still more solemn and effectual expression of the general sentiment, recommended a congress of deputies from all the colonial assemblies, to meet at New-York the first Tuesday in October, to consult together on the present circumstances of the colonies, and the difficulties to which they are, and must be reduced by the operation of the acts of parliament, for levying taxes on them. Circular letters signed by the speaker, communicating this recommendation, were addressed to the several speakers of the respective provincial assemblies, and wherever they were in session, the recommendation was acted on. New Hampshire alone, although joining in the general opposition, declined sending members to the congress; and the legislatures of *Virginia* and North Carolina were not in session."(4)

"In the mean time, the papers teemed with the most animating exhortations to the people, to unite in the defence of their liberty and property: and the stamp officers,(5) almost everywhere, were compelled to resign.

"At the time appointed, [Tuesday. Oct.] the commissioners from the assemblies of Massachusetts, Rhode Island, Connecticut, New-York, New-Jersey, Pennsylvania, the three lower counties on the Delaware, Maryland, and South-Carolina, assembled at New-York; and Timothy Ruggles, esq. of Massachusetts, having been chosen their chairman, they proceeded on the important ob-

(1) *Fauquier*. (2) *Marshall*. (3) *Gord*. (4) See the letter, 1 *Niles' Reg.* 12. with some further information. (5) They were generally gentlemen of influence in the several provinces, who were recommended by the colonial agents;—so little did they expect the serious opposition, made in America, to this measure.

jects for which they had convened. The first measure of the congress was, a declaration of the rights and grievances of the colonists. This paper asserts them to be entitled, to all the rights and liberties of natural born subjects, within the kingdom of Great Britain; among the most essential of which are, the exclusive power to tax themselves, and the privilege of a trial by jury.

"The grievance most complained of was, the act granting certain stamp duties and other duties in the British colonies, the direct tendency of which, they said, by taxing the colonists without their consent, and by extending the jurisdiction of courts of Admiralty, was to subvert their rights and liberties."

The declaration is as follows "THE members of this congress, sincerely devoted, with the warmest sentiments of affection and duty, to his majesty's person and government, inviolably attached to the present happy establishment of the protestant succession, and with minds deeply impressed by a sense of the present and impending misfortunes of the British colonies on this continent; having considered, as maturely as time will permit, the circumstances of the said colonies, esteem it our indispensable duty to make the following declarations of our humble opinion, respecting the most essential rights and liberties of the colonists, and of the grievances under which they labour, by reason of several late acts of parliament."

"I. That his majesty's subjects in these colonies, owe the same allegiance to the crown of Great Britain, that is owing from his subjects born within the realm, and all due subordination to that august body, the parliament of Great Britain.

"H. That his majesty's liege subjects in these colonies, are entitled to all the inherent rights and liberties of his natural born subjects, within the kingdom of Great Britain.

"III. That it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed on them, but with their own consent, given personally, or by their representatives.

"IV. That the people of these colonies are not, and, from their local circumstances, cannot be represented in the house of commons of Great Britain.

"V. That the only representatives of these colonies, are persons chosen therein by themselves; and that no taxes ever have been, or can be constitutionally imposed upon them, but by their respective legislatures.

"VI. That all supplies to the crown being free gifts from the people, it is unreasonable, and inconsistent with the principles and spirit of the British constitution, for the people of Great Britain to grant to his majesty the property of the colonists.

"VII. That the trial by jury, is the inherent and invaluable right of every British subject in these colonies.

"VIII. That the late act of parliament entitled, 'an act for granting and applying certain stamp duties, and other duties, in the British colonies and plantations in America,' &c. by imposing taxes on the inhabitants of these colonies; and the said act, and several other acts, by extending the jurisdiction of the courts of admiralty beyond its ancient limits, have a manifest tendency to subvert the rights and liberties of the colonists.

"IX. That the duties imposed by several late acts of parliament, from the peculiar circumstances of these colonies, will be extremely burdensome and grievous; and from the scarcity of specie, the payment of them absolutely impracticable.

"X. That as the profits of the trade of these colonies ultimately centre in Great Britain, to pay for the manufactures which they are obliged to take from thence, they eventually contribute very largely to all supplies granted to the crown.

"XI. That the restrictions imposed by several late acts of parliament on the trade of these colonies, will render them unable to purchase the manufactures of Great Britain.

"XII. That the increase, prosperity, and happiness of these colonies, depend on the full and free enjoyment of their rights and liberties, and an intercourse with Great Britain, mutually affectionate and advantageous.

"XIII. That it is the right of the British subjects in these colonies, to petition the king, or either house of parliament.

"XIV. That it is the indispensable duty of these colonies, to the best of sovereigns, to the mother country, and to themselves, to endeavour, by a loyal and dutiful address to his majesty, and humble applications to both houses of parliament, to procure the repeal of the act for granting and applying certain stamp duties; of all clauses of any other acts of parliament, whereby the jurisdiction of the admiralty is extended as aforesaid; and of the other late acts for the restriction of American commerce. Agreed to, Oct. 19. [1765.]

"A petition to the king was also agreed on, together with a memorial to each house of parliament.

"These papers were drawn with temper and firmness. They express unequivocally, the attachment of the colonists to the mother country, and assert the rights they claim, in the style of conviction.

"In addition to these measures, this congress recommended to the several colonies to appoint special agents, who should unite their utmost endeavours in soliciting redress of grievances; and having directed their clerk to make out a copy of their proceedings for each colony, they adjourned. The number of delegates was 28.

"To interest the people of England against the measures of administration, associations were formed, in every part of the continent, for the encouragement of domestick manufactures, and against the use of those imported from Great Britain. To increase their quantity of wool, they determined to kill no lambs, and to use all the means in their power to multiply their flocks of sheep. As a security against the use of stamps, proceedings in the courts of justice were suspended, and it was earnestly recommended to settle all controversies by arbitration. While this determined and systematick opposition was made by the thinking part of the community, there were some riotous and disorderly meetings, especially in the large towns, which threatened serious consequences. Many houses were destroyed, much property injured, and several persons highly respectable in character and station, grossly abused. These violences received no countenance from the leading members of society, but it was extremely difficult to stimulate the mass of the people, to that vigorous and persevering opposition which was deemed essential to the preservation of American liberty, and yet to restrain all those excesses which disgrace, and often defeat the wisest measures. In Connecticut and New York, originated an association of persons styling themselves the '*sons of liberty*,' who bound themselves, among other things, to march to any part of the continent, at their own expense, to support the British constitution in America: by which was expressly stated to be understood, the prevention of any attempt which might any where be made, to carry the stamp act into operation. A corresponding committee of these '*sons of liberty*' was established, who addressed letters to certain conspicuous characters throughout the colonies, and contributed, very materially, to increase the spirit of opposition, and perhaps, the turbulence with which it was in some places attended.

"While these transactions were taking place in America, causes entirely unconnected with the affairs of the colonies, produced a total revolution in the British cabinet. The Grenville party was succeeded by an administration, unfriendly to a further prosecution of the plan for taxing the colonies, without their consent. General *Conway*, now one of the principal secretaries of state, addressed a circular letter to the respective governors of the colonies, in which he disapproved, in mild terms, the violent measures which had been adopted in America, and recommended to them, while they maintained the dignity of the crown and parliament, to observe a temperate and conciliatory conduct towards the colonists, and endeavour, by all persuasive means, to restore the public peace.

[*Jan. 14.*] "Parliament (which repealed the act) was opened by a speech from the throne, in which his majesty declared 'his firm confidence in their wisdom and zeal, which would, he doubted not, guide them to such sound and prudent resolutions, as might tend at once to preserve the constitutional rights of the British legislature over the colonies, and to restore to them that harmony and tranquillity, which had lately been interrupted by disorders of the most dangerous nature.'

"In the course of the debate in the house of commons, on the motion for the address, Mr. *Pitt*, in the most explicit terms, condemned the act for collecting the stamp duties in America, and declared his opinion to be, that parliament, "*had no right to tax the colonies.*" At the same time he asserted 'the authority of that kingdom to be sovereign and supreme in every circumstance of government and legislation whatever.' He maintained the difficult proposition 'that taxation is no part of the governing or legislative power; but that taxes are a voluntary gift and grant of the commons alone.' He concluded a very able and eloquent speech, by recommending to the house 'that the stamp act be repealed, *absolutely, totally, and immediately.*'

"The opinions which had been maintained by Mr. *Pitt*, were very warmly opposed by the late ministers, headed by Mr. Grenville. He said 'that the disturbances in America were grown to tumults and riots; he doubted, they bordered on open rebellion; and, if the doctrine he had heard that day should be confirmed, he feared they would lose that name, to take that of '*revolution.*' The government over them being dissolved, a revolution he said 'would take place in America.' He contended that taxation was a part of the sovereign power;—one branch of the legislation;

and had been exercised over those who were not represented. He could not comprehend the distinction between external and internal taxation, and insisted, that the colonies ought to bear a part of the burdens, occasioned by a war for their defence.

[*March 19.*] "The existing administration, however, concurred in sentiment with Mr. Pitt, and the act was repealed; (1) but its repeal was accompanied with a *declaratory act*, asserting the power and right of Great Britain to bind the colonies, in all cases whatsoever. (2)

"The joy in America, on receiving intelligence of this event, was unbounded. The assertion of the abstract principle of right gave them but little concern, because they considered it merely as a salvo for the wounded pride of the nation, and believed confidently that no future attempt would be made to reduce it to practice. The highest honours were every where conferred on those parliamentary leaders, who had been active in obtaining a repeal of the act; and in Virginia, an act passed the house of burgesses for erecting a statue to his majesty; as an acknowledgment of their high sense of his attention to the rights and petitions of his people. With the repealing and declaratory acts, came a circular letter from secretary Conway, extolling 'the moderation, the forbearance, the unexampled lenity and tenderness of parliament towards the colonies;' this signal display of which, he hoped, 'could not but dispose them to that return of cheerful obedience to the laws and legislative authority of Great Britain, and to those sentiments of respectful gratitude to the mother country, which are the natural, and,' he trusted, 'would be, the certain effects of so much grace and condescension, so remarkably manifested on the part of his majesty, and of the parliament. (3)"

The following is a short account of the *expiring moments* of the Stamp act in the debate upon it *Feb. 22.* "People in *Britain* were differently affected by the disturbances in the colonies. This party, was for supporting the authority of parliament at all adventures, and for enforcing the stamp act, if needful, with the point of the sword: that, for quieting the colonies by the repeal of it. Happy for them, Mr. *Grenville* and his party had thrown themselves out of place on a difference as to the regency bill; so that the marquis of *Rockingham*, and others in opposition, who were better inclined to the Americans, came into office, July 10, 1765. The marquis and his friends did not come to a resolution directly to repeal the act. The main lines of their own plan were not marked out, nor the repeal determined upon, until a little before the meeting of parliament. But the choice of the measure, and of the principle to proceed upon, was made before the session. The papers relative to American affairs were produced to the house of commons; and it was a kind of plan on all sides, to maintain the authority of parliament, and by that very authority, to give the colonies every relief the nature of the case required. But the great commoner, Mr. *Pitt*, who neither communicated, nor connected himself with any one, came to the house and declared, that parliament had *no right* to tax the colonies; and said also, *I am glad America has resisted.* He hereby deranged matters; threw the opposition into a rage; and reduced the ministry to a necessity of accompanying the repeal, with a declaratory bill, expressive of the *right of parliament to bind the colonies in all cases whatever.*

"Mr. *Grenville* moved that the stamp act should be enforced, and was supported by 134, but opposed by 274—The merchants and manufacturers joined their efforts with ministry to obtain a repeal. They were alarmed at the non-importation agreement, and the confusions which existed, as being necessarily prejudicial to their own interests, and tending to the destruction of commerce. The ministry did not fail to encourage petitions, complaining of hardships brought on by the great decay of trade to the American colonies; and also instructions to members from the trading and manufacturing towns. The petition of congress was not admitted; the members not being called together by the authority of the crown, though a futile, was yet a prevailing argument against its admission. But the repeal was grounded on the other petitions; and after a six weeks inquiry into *American* affairs, was moved for, with the greatest propriety, by

"(1) 10 Stat. 152. 6 G. 3. c. 11. (2)—10 Stat. 152. 6 Geo. 3. c. 12. *It recites the claim and pretensions of several colonies, or assemblies, to the sole right of imposing duties and taxes, on his majesty's subjects in America, and their resolutions &c. derogatory to the legislative authority of parliament, and inconsistent with their dependence on the crown, and then enacts, that 'the colonies, &c. ought to be subordinate unto, and dependent upon, the imperial crown and parliament of Great Britain; and that the parliament hath, and of right ought to have, full authority to make laws and statutes, of sufficient force and validity to bind the colonies, and people of America, subjects of the crown of Great Britain, in all cases whatsoever.'*

This declaratory bill, went hand in hand with the repeal of the stamp act, and was passed, on the same day that was repealed, viz. March 19, 1766.

It is most certain, the repeal would not have been carried without it: (3) Mursh.

general *Conway*, the secretary, who had opposed the stamp bill at the second reading, and denied the right of parliament to tax the Americans. The debate which ensued, was warm, interesting and long. But, by three o'clock in the morning, '[Feb. 22.] the house, by an independent noble spirited and unexpected majority, in the teeth of all the old mercenary *Swiss* of the state; in despite of all the speculators and augurs of political events; in defiance of the whole embattled legion of veteran pensioners and practised instruments of court; gave a total repeal to the stamp act, and (if the scheme of taxing the colonies had been totally abandoned) a lasting peace to the whole empire.' The motion was carried by 275 against 167. The cider counties supported it; for they expected a repeal of the duty on cider, and obtained it in April. It has been said, that had not the ministry bartered the stamp act against the repeal of the cider duty, they would not have succeeded.

During the debate, "the trading interests of the empire crammed into the lobbies of the house of commons, with a trembling and anxious expectation, and waited, almost to a winter's return of light, their fate from the resolution of the house. When at length, they had determined in their favour, and the doors thrown open, showed them the figure of their deliverer,(1) in the well earned triumph of his important victory, from the whole of that grave multitude there arose an involuntary burst of gratitude and transport. They jumped upon him, like children on a long absent father. They clung about him as captives about their redeemer: all *England* joined in his applause—nor did he seem insensible of the best of all earthly rewards, the love and admiration of his fellow citizens. *Hope elevated, and joy brightened his crest.*"

"The ministry had certainly great difficulties to encounter, the principal originated in the colonies, and were caused by the intemperate proceedings of the various ranks of men within them. Their violence awakened the honor of parliament, especially after Mr. *Pitt's* speech, and thereby involved every friend of the repeal in the imputation of betraying its dignity. This is so true, that the act could not have been repealed, had not men's minds been in some measure satisfied with the *declaration of right*. All the *Scotch* members, save two, voted against the repeal. Mr. *Bolan*, who informed lieutenant-governor *Hutchinson* of it by letter, omitted mentioning the names of the gentlemen.

"The bill having passed the house of commons, went up to the house of lords. Lords *Bute* and *Strange* publicly declared, that his majesty's wish was not for a repeal. The marquis of *Rockingham* and Lord *Shelburne* went together to the king, and told what was reported. They were informed, that his majesty had expressed his desire that it should be enforced; but if it could not be done peaceably and without bloodshed, it was his sincere desire and intention that it should be totally repealed. The dukes of York and Cumberland, the lords of the bedchamber and the officers of the household, were for carrying fire and sword to America. Most of the bench of bishops joined them. Instead of ascribing that to a sanguinary disposition, to which their profession was opposed; let it be imputed to the painful prospect of being hindered eventually from establishing the English hierarchy within the American colonies. There was in the house of lords, proxies included, for the repeal 105, against it, 71.

"[*March 19.*] Wednesday, his majesty went to the house of peers, and passed the bill for repealing the American stamp act; as also that for securing the dependency of the colonies on the British crown. On this occasion, the American merchants made a most numerous appearance, to express their gratitude and joy; ships in the river displayed their colours; houses at night were illuminated all over the city, and every decent and orderly method was observed, to demonstrate the just sense they entertained of his majesty's goodness, and the wisdom of parliament, in conciliating the minds of the people on this critical occasion. An express was dispatched immediately to Falmouth, with letters to the different provinces, acquainting them with the news of the repeal, that so their fears might vanish, and give place to joy and exultation.

"Mr. *Pitt's* declaration against the parliament's right to impose *internal taxes*, and his saying, *I am glad America has resisted*, were seized with eagerness by the popular leaders in the colonies. They praised and idolized him, without regarding what he had declared in favour of the authority of parliament in all cases of *external taxation*, and for enforcing all laws for that purpose; and notwithstanding his having said, 'If obedience be refused, I would not suffer a hob-nail to be made in the plantations.' Their spirits were elated, and they took encouragement from his declaration, to fortify themselves in their own sentiments upon American liberty.

"It is impossible to express or describe the extraordinary joy with which the body of the

(1) Genl. *Courway*.

Americans received the news of the repeal, though the power of the admiralty courts remained unbridged, and the declaratory act was added." (1)

STRANGE as it may appear, in twelve months after the stamp act stood repealed, and notwithstanding all the opposition to that and the preceding "Sugar act," of April 1764, laying duties, (which last act nevertheless was enforced) the idea of raising revenue on America by impost, was revived: it was to be executed under the auspices of the celebrated *Charles Townshend*, who then was chancellor of the exchequer; he had pawned his credit to effect it; accordingly he brought in a bill, entitled "an act for granting certain duties in the British colonies &c." it received the royal assent, June 29. (2)

This act threw off all disguise: the preamble recites, "that it is expedient to raise a revenue in his majesty's dominions in America; for the administration of justice, and support of Government in such provinces where it should be found necessary; and for defence of the colonies."

The first section then declares, "that after Nov. 20. there shall be paid the following duties, on goods imported from *Great Britain*, into any colony." The objects and rates then follow; as 4s. on 1 *cwt.* of crown plate, flint, and white Glass, &c. on every *cwt.* Painters Colours 2s. on Tea 3d. per lb. on Paper of many enumerated descriptions, various rates of duty.

These duties, and all penalties and forfeitures, were recoverable as other duties in the colonies by former acts; to be paid into the Exchequer in England.

By Sec. 2. his majesty is empowered by warrant under his sign manual, to cause so much of these monies as he or his successors may deem proper, to be applied "to defraying the charges of the administration of justice, and the support of the civil Government, within all or any of the plantations, &c."

Sec. 10. also regulated the manner of obtaining writs of "assistance," by revenue officers, to search for goods &c.

A short account of its introduction follows.

[May 13.] "The chancellor of the exchequer moved for leave to bring in bills for granting a duty upon paper, glass, painters colours, &c. in the British American colonies; for settling salaries on the governors, judges, &c. in North-America; and for taking off the duty on teas exported to America, and granting a duty of three-pence a pound on the importation in America. Two bills were at length framed, the one for granting duties in the British colonies in America, on paper, glass, painters colours, tea, &c. the other for taking off the duty of a shilling a pound on all black and single tea, and for granting a drawback on teas exported to Ireland and America. The first received the royal assent June the twenty-ninth; the last July the second. The preamble to the first act expresses, that the duties are laid "for the better support of government, and the administration of the colonies." The colonists deemed it unnecessary, unjust, and dangerous to their most important rights. There is a clause in it enabling the crown, by sign manual to establish a general civil list throughout every province in North-America, to any indefinite extent, with any salaries, pensions, or appointments, to any unlimited amount, even to the produce of the last farthing of the American revenue. The point was now carried, which had been the object of every minister since the reign of Charles II. viz. the establishment of a civil list in America, independent of the assemblies. Mr. Richard Jackson spoke in the house of commons against that part of the bill, and was supported only by Mr. Huske, and no other member. He was convinced, that though the judges ought to be independent both of crown and people, yet mischiefs might arise from the independency of governors on the people, much greater than could arise from their dependence; and that it was not fit that such persons as governors usually are, should be independent of the people, and dependent upon the crown for their governments. The act provides, that after all such ministerial warrants under the sign manual, as are thought proper and necessary, shall be satisfied, the residue of the revenue shall be at the disposal of the parliament, (1)" for the defence of the colonies.

The next after this, was an act, to place the collection of the customs, and laws relative to trade, in America, under commissioners resident in the colonies. It will be recollected, the superintendence and collection before, had been under the commissioners of the revenue in England, who appointed surveyors general; and collectors in the colonies: this act was made on professions of relieving the English commissioners in part, from the burden and inconvenience of the colonial customs: It was brought in [June 3.] It enacted, "that the customs and duties, on goods import-

(1) *Gord.*

(2) 10. *Stats.* 369. 7. *Geo.* 3. c. 46.

ed, into any British colony in America, may from time to time, be put under the management of commissioners appointed by his majesty under the great seal &c. to reside in the plantations. (1) The following is an account of it.

"A plan of a board of commissioners for the American department, in order to ease the old board of commissioners of part of its burden through increasing business, had been in contemplation. It was intended to be placed in London, in order to be near the treasury, the ultimatum of revenue matters. Mr. *Paxton*, thought to be the most plausible and insinuating of mankind, though not the most sincere, having left Boston and gone to Britain, had free access to the chancellor of the exchequer, Mr. *Charles Townshend*. It is said that he whined, cried, professed, swore, and made his will in favour of that great man; and then urged the necessity of an *American board of commissioners*, and his having a seat at it. He might forward the business. Be that as it may, the chancellor brought in a bill [June 3.] for establishing a custom-house and a board of commissioners in America, which also passed into an act at the same time with the former. Mr. *Paxton* for his own convenience and pleasure, might procure the fixing the board at Boston; but of all places it was the most improper. The people were, of all others, the most jealous of infringements on their liberties; and were the least suited to see crown officers living among them in great state, upon what they could not but deem, from the mediocrity of their own circumstances, large salaries, payable from the revenue to be raised from the colonies. The board should have been placed at *New-York*. Smuggling was as prevalent there as at Boston. The inhabitants had been long used to crown officers with splendid appearances; the commanders of his majesty's troops resided much among them; numbers of them lived in a higher style than the Bostonians; beside, there the commissioners would have had forces at hand to have supported them, and have met with greater assistance from the servants of a royal government and their connexions. The timing also, as well as the placing of the board, was rather unfortunate; for it supplied the Americans with the opportunity of propagating, that it was appointed merely to enforce the new duties. By this means the people were inflamed, and the appointment was pronounced unconstitutional and oppressive. The duties were to take place after the twentieth of November; and in the beginning of that month, three of the commissioners, *Henry Hulton*, *William Burch*, and *Charles Paxton*, esqs. arrived at Boston; the other two, *John Temple* and *John Robinson*, esqs. were in America before. As to the expense of the board of customs, including the whole, it was a thousand pounds less than that of the four surveyors general, and the office connected with them at London. The chancellor had been instrumental in reviving those American animosities which the repeal of the stamp act had quieted; but did not live to see the fatal consequences which have followed, as he died the fourth of September."

Doubtless it was a branch of *Townshend's* plan, at that time devised, for a regular and increasing revenue system in the colonies.

In the *same* session, [June,] an act passed, "for restraining and *prohibiting* the governor, council, and house of representatives, of the province of *New-York*, until provision shall have been made for furnishing the king's troops with necessaries required by law, from passing, or assenting to any act of assembly, vote or resolution, or for any other purpose." (2)

By a supplement to the annual mutiny bill, (3) passed *Mar.* 1765, it had been provided, "that the king's troops stationed in any *colony*, should be furnished with quarters, fire, bedding, candles, small beer, rum, &c. at the expense of the colony: a law which most assuredly levied a direct tax on the colonies; and as it might be a most unequal one, as the king's forces were garrisoned very unequally; the cause of this prohibiting act was this.

In *Dec.* 1766. the assembly of *N. York*, being applied to by the governor, to carry the act into execution, in respect to troops, which had arrived at *New-York* under *Gen. Gage*; they said in their address to him, (Sir *Henry Moore*,) "According to the construction put on it here, it is required that all the forces which shall at any time enter this colony, shall be quartered during the whole year in a very unusual and expensive manner: by marching several regiments into this colony, this expense would become ruinous and insupportable; and therefore we cannot, consistent with our duty to our constituents, put it in the power of any person (whatsoever confidence we may have of his prudence and integrity) to lay such a burden on them, and so justified their declining to provide for the troops."

"An account being received in England of this refusal, Mr. *Grenville* and his adherents raised

(1) 10 Stat. 340. 7 Geo. 3. c. 41. (2) 10 Stat. 431. 7 Geo. 3. c. 59. (3) 10 Stat. 71. 5 Geo. 3. c. 33.

such a clamour against America, that it was thought necessary to bring in the bill aforesaid, restraining the assembly of *New-York* from passing any act. The taking away in this manner from the province of *New-York* all the powers of legislation, till they should comply with the former act, occasioned a general alarm among the Americans. They now saw that their own colonial parliaments, as they considered them, were to be bound to what the British ministry might deem their good behaviour, by the acts of a British parliament. Nothing could be more grating to 'the sons of liberty' in every province. It was the club of power, which, while it knocked down the *New-York* assembly, threatened every other with the like, if not pliable." (1)

The act recites the whole of the proceedings, and enacts, "that all bills, acts, votes, and resolutions of the governor, council and assembly, shall be void, until they comply." (2)

As might be expected, the passage of these several laws, all at one session, and especially the act, laying *duties* on glass, paper, &c. and within a year after the struggle against the stamp act, and its overthrow, excited universal amazement, no less than grief and indignation.

This obnoxious measure, (the duties) in which was deposited the future seed of independence, was forced upon the colonies; it continued in operation nearly three years. Like the stamp act, during the whole time of its existence, it was the subject of bitter execration, and unceasing opposition.

The following is an account of this period, and the consequences of these acts.

"The idea of raising a revenue in America was highly favoured in England, especially by the landed interest; and not even the weight of administration could have obtained a repeal of the stamp act, on the naked principle of right. Few were hardy enough to question the supremacy of parliament; and their having receded from the practical assertion of their power to tax the colonists, deeply wounded the pride, and grated harshly on the feelings, not only of the king, who was supposed to be still under the influence of the earl of Bute, but of a considerable part of the nation.

"The temper now discovered in some of the colonies, was by no means calculated to assuage the wound which this measure had inflicted, on the haughty spirit of the rulers of that country, and is supposed to have contributed, in no small degree, to the revival of a system which had been reluctantly abandoned.

"Charles Townshend, chancellor of the exchequer, in an administration formed by lord Chatham, a man of splendid and versatile talents, said boastingly, in the house of commons, that he knew 'how to draw a revenue from the colonies, without giving them offence.' Mr. Grenville eagerly caught at the declaration, and instantly urged this minister to pledge himself to bring forward the measure at which he had hinted. A bill had been decided on in the cabinet during the sickness and absence of lord Chatham, whose infirmities had, for the time, impaired both his talents and his influence, 'for imposing certain duties on tea, glass, paper and painters' colours, imported into the colonies from Great Britain.' This bill, as before mentioned, was brought into parliament, and passed almost without opposition. (3) The taxes it imposed were appropriated, in the first instance, to the payment of the salaries of the governors, judges, and other officers of government.

"The friends of America in England, had distinguished between internal and external taxation; and the same distinction had also been made in the colonies. As the power of parliament to impose duties, for the purpose of commercial regulations, had never been doubted; it is possible, that if the present measure had been adopted in the first instance, it might, as well as the act laying a duty on 'sugars,' have been submitted to without examination. But the discussions to which the stamp act had given birth, had greatly enlarged the circle of political information in America, and while they rendered more diffusive among the colonists, a knowledge of their rights, had inspired also a much more accurate mode of thinking respecting them.

(1) Gord. (2) The power here exercised, of suspending all legislative authority in a colony, until compliance with acts of parliament, was perhaps constitutional, as parliament could make laws for the colonies, extending to them without their consent: indeed in all the royal governments, the acts of the legislatures, were subject to be disallowed by the king in council, and were transmitted for allowance; and became void from the time of his negative: But to disfranchise a colony, to the extent of this act, superseding all power of internal legislation, and in effect depriving the people of governing themselves, was a most alarming precedent: It is believed the first of so dangerous and bold a character, and very justly looked upon as wantonly tyrannical.

(3) This act of June 29, [1767.] laying those duties on glass, paper, and other British manufactures imported from England, being under consideration, and which raised such commotion; it may be proper here to advert more particularly to the two preceding revenue acts, which had gone into operation, and seemed to have occasioned less pointed opposition

"The present duties were plainly intended, not to regulate commerce, but to raise a revenue, which would be as certainly collected from the colonists, as the duties on stamps could have been. The principle of the two measures was precisely the same. The mode of attack indeed was varied, but the same object was still pursued. Many of the Americans were now too intelligent to be misguided by the distinction between internal and external taxation, or by the precedents quoted in support of the right contended for. This, they said, was plainly an internal tax, as the duties would be unavoidably paid in the country; and if external, yet it was imposed, not for the purpose of regulating or restraining trade, but of raising a revenue. It was considered as establishing a precedent of taxation for the mere purpose of revenue, which might afterwards be extended at the discretion of parliament, and was spoken of as the *entering wedge*, designed to make way for impositions too heavy to be borne. The appropriation of the money did not lessen the odium of the tax. The colonial legislatures considered the dependence of the governors and other officers, on them, for their salaries, as the best security for their attending to the interests, and cultivating the affections of the provinces.

"With these sentiments concerning the act, it was not strange that a determination was made to oppose its execution: yet the idea of its unconstitutionality was not taken up so suddenly or so universally as had been witnessed in the case of the stamp act. Many very able political essays appeared in the papers, demonstrating the violation contained in this law, of the principles of the English constitution, and of English liberty; and earnestly exhorting the people of America, to take measures which would defeat its operation. The effect of these essays was gradual, but certain; and the public judgment seemed at length convinced, that the same principle which had before been successfully opposed⁽¹⁾ was again approaching under a different garb.

[Dec. 1767.] "The general court of *Massachusetts* met, and very early in the session, took under their consideration several acts of parliament, which during the recess, had been transmitted to the colony. They perceived plainly that the claim to tax America was revived, and they determined to oppose it with all the means in their power.

"A very elaborate letter was addressed to *Demis de Bert*, agent for the house of representatives, in which are detailed, at great length, and with much weight of argument, all the objections to be made to the late acts of parliament. Letters signed by the speaker were also addressed to the earl of Shelburne and general Conway, secretaries of state; to the marquis of Rockingham, lord Camden, the earl of Chatham, and the Lords commissioners of the treasury. These letters, while they breathe a spirit of ardent attachment to the British constitution and the British nation, manifest a perfect conviction that their complaints were just: a conviction founded on an entire understanding of the soundest political principles, which ought to have arrested the mad course now re-commenced.

"'Conscious of their own disposition,' say they to general Conway, 'they rely upon that candour which is a distinguished mark of your character. And however they may have been repre-

(1) *Defeat of Stamp act, March, 1766.*

then this or the stamp act; Indeed the first, that of 33 Geo. 2, 1733. occasioned none; and that of 4 Geo. 1763. was after a time silently submitted to, and in full operation, now while the storm was at its highest, against the "glass and paper" act of June [1767.] passed three years after.

The act of 33 Geo. 2. c. 13. passed in 1733. [6 Stat. 116.]—laid a duty after Dec. 25, 1733. of 9d a gall. on rum or spirits, 6d. a gall. on molasses or syrups, and 5s. on each cwt. of sugars; all being of foreign growth or manufacture; the duties were to be paid in cash, before landing, on pain of forfeiture and other penalties; recoverable in the admiralty, or courts of common law, at the election of the prosecutor:—the forfeitures &c. one third to the king, one third to the governor; and one third to the informer.

Under this act, which went quietly into operation, a complete and very active impost and revenue system and establishment, grew up in the American colonies;—conducted under the commissioners of the customs in England, who appointed surveyors general of the customs in America, and collectors and other subordinate officers of the customs, in the several ports:

Custom houses were established, and the duties and proceedings executed, and conducted agreeable to the provisions of the act, and instructions of the commissioners, and the laws of trade and commerce.

The revenue from this act, was carried direct into the exchequer of England, and not appropriated in particular to colonial purposes:

It professed to be an act, not for revenue, but to encourage the "sugar colonies" of Great Britain, by laying duties on the importation of foreign sugar, rum, or molasses, into the other colonies; a purpose it should seem, if that was the only one, which would have been better answered, by the prohibition of the foreign articles:

Still however, this act was deemed as decidedly of the character of those which were made to

sented to his majesty's ministers as undutiful, turbulent, and factious, your sentiments are too generous, to impute expressions of uneasiness under the operation of any particular acts of the British parliament, to a peevish, or discontented habit, much less to the want of a due veneration for that august assembly.

“This house is at all times ready to recognise his majesty's high court of parliament, the supreme legislative power over the whole empire. Its superintending authority, in all cases consistent with the fundamental rules of the constitution, is as clearly admitted by his majesty's subjects in this province, as by those within the realm. Since the constitution of the state, as it ought to be, is fixed; it is humbly presumed that the subjects in every part of the empire, however remote, have an equitable claim to all the advantages of it.”

“To the earl of *Shelburne*, after stating the hardships encountered by their fathers, and their attachment to the mother country, they insist, that the common law, as well as their charter, gives them all the rights and liberties of British subjects.

“The spirit of the law of nature and nations’ they proceed to say, ‘supposes that all the free subjects of any kingdom, are entitled equally to all the rights of the constitution; for it appears unnatural and unreasonable to affirm, that local, or any other circumstances, can justly deprive any part of the subjects of the same prince, of the full enjoyment of the rights of that constitution, upon which the government itself is formed, and by which sovereignty and allegiance are ascertained and limited.

“There are, my lord, fundamental rules of the constitution, which it is humbly presumed neither the supreme legislative nor the supreme executive can alter. In all free states the constitution is fixed. It is from thence the legislative derives its authority. Therefore it cannot change the constitution, without destroying its own foundation. If then the constitution of Great Britain is the common right of all British subjects, it is humbly referred to your lordship's judgment, whether the supreme legislative of the empire may rightly leap the bounds of it, in the exercise of power over the subjects in America, any more, than over those in Britain.

“It is the glory of the British constitution, that it has its foundation in the laws of God and nature. It is essentially a right, that a man shall quietly enjoy, and have the disposal of his own property. This right is ingrafted into the British constitution, and is familiar to the American subjects; and your lordship will judge, whether any necessity can render it just and equitable in the nature of things, that the supreme legislative of the empire should impose duties, subsidies, talliages, and taxes, internal or external, for the sole purpose of raising a revenue upon subjects that are not, and cannot considering their local circumstances by any possibility be, equally represented; and consequently, whose consent cannot be had in parliament.

“The security of right, and property, is the great end of government: surely then, such measures as tend to render right and property precarious, tend to destroy both property and

regulate commerce, or in other words, for the support of the general system of trade, and rendering it advantageous to Britain, and equal among the colonies:

The next act is that of 4 Geo. 3, 1764. [9 Stat. 152.] which preceded the stamp act, mentioned page 16, ante, passed 30 years after that of Geo. 2. This act professes on the face of it, to be a revenue act, and not to equalize, promote, or regulate trade, as a general external policy:—It recites, “that new provisions and regulations should be established, for improving the ‘revenue’ of this kingdom, and extending and securing the navigation and commerce, between Great Britain and his majesty's dominions in America, which by the peace had been so happily enlarged, and that it is just and necessary, a revenue be raised in your majesty's said dominions in America, for defraying the expenses of defending, protecting, and securing the same;” it then enacts, “that, after Sep. 29, 1764. certain duties shall be raised, levied and paid, on white clayed sugars, indigo, coffee, wines, (except French,) wrought silks, and stuffs mixed with silk, of Persian, Chinese, or East India manufacture; and French lurns, and cambricks.”

The articles thus dutied, were all of foreign produce or manufacture.

It has been seen that this act [of Ap. 1764.] was forced down upon the colonies, and was in full and active operation, when the stamp act [of Mar. 1765.] was made; and when the bill for laying duties on glass, paper, tea, &c. passed [June 29, 1767.] now in contest, was enacted.

This latter act, [7 Geo. 3. c. 46. 10. Stats. 369.] in its preamble, like the “sugar” act of 1764. then in operation, as aforesaid, expressly recites “that it is expedient a revenue should be raised, in his majesty's dominions in America, for a more certain and adequate provision, for defraying the charges of administering justice, and support of civil government here, and defence of the colonies; and then proceeds, to the objects, and rates: The objects of duty on imports were, glass of all descriptions, white and red lead, painters' colours, tea, and paper of all descriptions, as has been stated in the text.

The duties were confined, to articles imported from “Great Britain.” They were of course on British manufactures, imported direct from England, and in this respect only, did the act differ from the “sugar” act of 1764, which raised duties on articles of foreign product. How-

government, for these must stand or fall together. Property is admitted to have existence in the savage state of nature: and if it is necessary for the support of savage life, it becomes by no means less so in civil society. The house entreats your lordship to consider, whether a colonist can be conceived to have any property which he may call his own, if it may be granted away by any other body, without his consent: and they submit to your lordship's judgment, whether this was not actually done, when the act for granting to his majesty certain duties on paper, glass, and other articles, for the sole and express purpose of raising a *revenue* in America, was made.'

"They conclude a very able course of reasoning, on the question of the constitutional right to tax America, with saying, 'It is by no means, my lord, a disposition in the house to dispute the just authority of the supreme legislative of the nation, that induces them thus to address your lordship; but a warm sense of loyalty to their prince, and, they humbly apprehend, a just concern for their natural and constitutional rights. They beg your lordship would excuse their trespassing on your time and attention to the great affairs of state; they apply to you as a friend to the rights of mankind and of British subjects. As Americans, they implore your lordship's patronage, and beseech you to represent their grievances to the king our sovereign, and employ your happy influence for their relief.'

"Arguments which would have appeared so conclusive to Englishmen, if urged by themselves in support of their own rights, had but little weight, when used to disprove the existence of their authority over others. The deep and solemn tone of conviction, however, conveyed in all these letters, ought to have produced a certainty that the principles assumed in them, had made a strong impression, and would not lightly be abandoned. It ought to have been foreseen, that with such a people, so determined, the conflict must be stern and hazardous; and even if ultimate success might be counted on, it was well worth the estimate, whether the object would compensate the means used in obtaining it.

[Jan. 20.] "A petition to the king was also agreed on, replete with professions of loyalty and attachment to his person and family, but stating in very explicit terms, the sense they entertained of the acts against which they petitioned.

[Jan. 21.] "After the petition to the king had been voted, a day was appointed to take under consideration, the propriety of addressing their sister colonies, on a subject equally interesting to all. After long and earnest debate, the motion for the address was lost, in a house consisting of eighty-two members: (1) but on a motion for reconsidering the resolution, which was made on a subsequent day [Feb. 4.] in a house consisting of the same number of members, it was carried in the affirmative by a great majority; and by an immediate subsequent resolve, the first resolution was erased.

[Feb. 11.] A circular letter to the assemblies of the respective colonies, stating the proceedings of the house of representatives of Massachusetts was then agreed to; one copy of which was

(1) *The whole number of members was then one hundred and ten.*

ever, no distinction can be, or was made on that account, between the two acts; they were both avowedly for the sole purposes of revenue, to be raised in the colonies, on the import, and operating as a tax on the consumer:

The opposition to the "sugar" act of 1764, was unsuccessful, that which now arose to the glass, paper and tea act of 1767, was more vehement, continued, and successful, doubtless, because that of 1764, and the stamp act of 1765, and other indications now showed, that England was resolved on introducing a complete revenue system, in all her colonies; imposing every thing, and might on the same principle have imposed land taxes, and established an excise.

One cannot but feel amazement, that such policy, so odious to the Americans, so dangerous to British empire, and so inefficient, should have been persisted in. It, must in a great measure be ascribed to personal and national feeling, on the point of honour and in England the desire of victory over the obstinate resistance of the colonies:

It is perfectly clear, that every object of England, even in respect of revenue, would have been more completely, and cheaply attained, by a duty on the export of British commodities into the colonies: this would then have been collected in England, on her subjects there, though in effect paid by the colonies, who were compelled to import and consume her manufactures, being prohibited from foreign trade, except in a few permitted particulars, where the profits of it would tend to the advantage of England.

If the same duties had been laid, on the export of the glass, paper, tea, &c. the revenue to England would have been the same, or greater, as the expense of an export collection is always cheapest; yet doubtless, such an insidious system would eventually have produced the same opposition; but it serves to show, how short of their own principle, the first opposers of British revenue laws stopped, in limiting their objection to parliamentary legislation over them without their consent, to the case of a direct impost for revenue.

Every act of the British parliament, affecting the rights and advantages of a colony, was in reality liable to the same objection when traced to its principle.

presented to their governor, and another copy, to prevent its being misrepresented, was transmitted to their agent in London.

The letter is as follows, "Province of Massachusetts Bay, Feb. 11, 1768.

"Sir,

"The house of representatives of this province have taken into their consideration, the great difficulties that must accrue to themselves and their constituents, by the operation of the several acts of parliament, imposing duties and taxes on the American colonies.

"As it is a subject in which every colony is deeply interested, they have no reason to doubt, but your house is duly impressed with its importance: and that such constitutional measures will be come into, as are proper. It seems to be necessary, that all possible care should be taken that the representations of the several assemblies, upon so delicate a point, should harmonise with each other: the house therefore hope, that this letter will be candidly considered in no other light, than as expressing a disposition freely to communicate their mind to a sister colony, upon a common concern, in the same manner as they would be glad to receive, the sentiments of your or any other house of assembly on the continent.

"The house have humbly represented to the ministry their own sentiments; that his majesty's high court of parliament is the supreme legislative power over the whole empire: that in all free states the constitution is fixed: and, as the supreme legislative derives its power and authority from the constitution, it cannot overleap the bounds of it, without destroying its foundation; that the constitution ascertains and limits both sovereignty and allegiance; and therefore, his majesty's American subjects who acknowledge themselves bound by the ties of allegiance, have an equitable claim to the full enjoyment of the fundamental rules of the British constitution; that it is an essential unalterable right in nature, ingrafted into the British constitution as a fundamental law, and ever held sacred and irrevocable by the subjects within the realm, that what a man hath honestly acquired is absolutely his own, which he may freely give, but cannot be taken from him, without his consent; that the American subjects may therefore, exclusive of any consideration of charter rights, with a decent firmness adapted to the character of freemen and subjects, assert this natural and constitutional right.

"It is moreover their humble opinion, which they express with the greatest deference to the wisdom of the parliament, that the acts made there, imposing duties on the people of this province, with the sole and express purpose of raising a revenue, are infringements of their natural and constitutional rights; because, as they are not represented in the British parliament, his majesty's commons in Britain, by those acts, grant their property without their consent.

"This house further are of opinion, that their constituents, considering their local circumstances, cannot by any possibility be represented in the parliament; and that it will forever be impracticable, that they should be equally represented there, and consequently not at all, being separated by an

The 12 Car. 2. Prohibited the colonies from exporting sugar, tobacco, cotton, wool, ginger, and dye woods, except to England only; the 3 and 4. ann added rice, and molasses.

15 Car. 2. Prohibited the importation of any European goods into the colonies, except in English built shipping, whereof the master and three fourths of the mariners were to be English.

7 and 8 W. Prohibited the exportation of colonial produce, in foreign ships.

8 Geo. 1. Required all furs to be sent from the colonies to England.

5 Geo. 2. 7. 8. Hats not to be exported from the colonies: nor from one colony to another: nor hatters in the plantations, to have more than 2 apprentices; nor employ negroes.

23 Geo. 2. Slitting mills, steel furnaces, &c. not to be erected in the colonies.

These and many other acts, were passed, which went to restrain ship building, and manufactures; and forcing all the raw materials of the colonies to the British market, and the consumption of all her manufactures upon the colonies. These acts were passed without their consent in parliament, and full as grievous as revenue laws;—as much so as the sugar act of 1764, the stamp act of 1765, and the glass, paper, and tea act, of 1767. And a vast many British statutes existed, laying heavy duties on the export of British goods, to tax the colonies: this was a direct revenue paid by the Americans in England, they could not avoid; for they were obliged to import from Britain; and yet it was imposed on them, without their consent in parliament: in truth the objection of not "consenting," went the whole length of questioning British supremacy; and could only be consistent with entire independence; and the American colonies soon discovered this, and laying aside all idle distinctions, being also abused, maltreated and oppressed, resorted to the only remedy for inherent and growing evils, "to fight their way to independence," and it was not long before the question about "tea" produced this alternative.

To this long note, it does not seem useless to add the following:—The act of 33 Geo. 2. [1733.] which laid duties on foreign rum, sugar, and molasses, imported into the colonies, is remarkable for giving jurisdiction, of seizures on land, as also of pecuniary penalties under it to the courts of admiralty, and it was followed up by the sugar act of 1764, the "stamp" and "glass" acts: Possibly, acts preceding that of 1733, concerning trade, had done so; there were many laws

ocean of a thousand leagues: that his majesty's royal predecessors, for this reason, were graciously pleased to form a subordinate legislative here, that their subjects might enjoy the unalienable right of a representation. Also, that, considering the utter impracticability of their ever being fully and equally represented in parliament, and the greater expense that must unavoidably attend even a partial representation there, this house think, that a taxation of their constituents, even without their consent, grievous as it is, would be preferable to any representation that could be admitted for them there.

"Upon these principles, and also considering that were the right in the parliament ever so clear, yet for obvious reasons it would be beyond the rule of equity, that their constituents should be taxed on the manufactures of Great Britain here, in addition to the duties they pay for them in England, and other advantages arising to Great Britain from the acts of trade; this house have preferred a humble, dutiful, and loyal petition to our most gracious sovereign, and made such representation to his majesty's ministers, as they apprehend would tend to obtain redress.

"They have also submitted to consideration, whether any people can be said to enjoy any degree of freedom, if the crown, in addition to its undoubted authority of constituting a governor, should appoint him such a stipend as it shall judge proper, without the consent of the people, and at their expense; and whether, while the judges of the land, and other civil officers, hold not their commissions during good behaviour, their having salaries appointed for them by the crown, independent of the people, hath not a tendency to subvert the principles of equity, and endanger the happiness and security of the subject.

"In addition to these measures, the house have written a letter to their agent Mr. de Berdt, the sentiments of which he is directed to lay before the ministry; wherein they take notice of the hardship of the act for preventing mutiny and desertion, which requires the governor and council to provide enumerated articles for the king's marching troops, and the people to pay the expense: and also the commission of the gentlemen, appointed commissioners of the customs to reside in America, which authorises them to make as many appointments as they think fit, and to pay the appointees what sums they please, for whose mal-conduct they are not accountable; from whence it may happen, that officers of the crown may be multiplied to such a degree, as to become dangerous to the liberties of the people, by virtue of a commission which doth not appear to this house, to derive any such advantages to trade as many have been led to expect.

"These are the sentiments and proceedings of the house, and as they have too much reason to believe that the enemies of the colonies, have represented them to his majesty's ministers and the parliament as factious, disloyal, and having a disposition to make themselves independent of the mother country, they have taken occasion in the most humble terms, to assure his majesty and his ministers, that, with regard to the people of this province, and as they doubt not, of all the colonies, the charge is unjust.

"The house is fully satisfied, that your assembly is too generous and enlarged in sentiment to believe, that this letter proceeds from an ambition of taking the lead, or dictating to the other

before that of 33 Geo. 2. [1733.] in operation in the colonies, regulating importations &c. and forming a custom house establishment;—which related to certain duties payable on imports and exports permitted with foreign states, and considered as mere commercial regulations.

The vesting of jurisdiction in courts of admiralty, in those cases, was a great innovation on the common law.

In England to this day, no seizures on land under the customs, or excise laws, are triable in the exchequer, or any courts but by jury, if there is a claim, and persisted in,—nor in any case where pecuniary penalties recoverable in the admiralty; yet doubtless it was found necessary, in the colonies: the courts of admiralty could more effectually, and speedily execute the revenue laws, and were more immediately under the influence of the executive government—to counteract the known disposition of juries which prevailed, to evade the imposts.

In practice, the system had been found so beneficial for the revenue, that the constitution of the U. States vested the admiralty courts with jurisdiction, in all cases of specific forfeitures, and seizing on land, as well in revenue as in many other cases; though in regard to pecuniary penalties they are only recoverable at law.

I must mention here, that some confusion is apt to arise from the manner of quoting English statutes, in respect to time: Thus the "sugar" act, is quoted [9 Stats. p. 152.] 4 Geo. 3. c. 15. 1763.—yet in fact was passed Ap. 6, 1764.—This discrepancy, arises from the doctrine, that acts of parliament relate to the first day of the session; no notice was then taken, of the day of the month and year, when the royal assent was given, from which it became a law. If a session begun as it did in this instance, Nov. 16, 1763, all the acts of that session, though it run into 1764. and through the whole year, would be quoted acts of 1763.

This was altered by 33 Geo. 3. c. 13. which requires the date of the royal assent, to be endorsed, and makes that the commencement of the law, 6 Bac. 370. Wil. Edit.

assemblies; they freely submit their opinion to the judgment of others; and shall take it kind in your house to point out to them any thing further, that may be thought necessary.

“This house cannot conclude, without expressing their firm confidence in the king, our common head and father, that the united and dutiful supplications of his distressed American subjects, will meet with his royal and favourable acceptance.”

“To avoid what might give to these measures, taken in defence of rights believed to be the most clear and the most sacred, the appearance of systematick opposition to the British government, the house, soon after concluding their circular letter, called up a requisition of the governor to make a further provision for one of the king’s garisons within the province; which without acknowledging the obligations of the mutiny act, they of their free accord, instantly complied with. Soon afterwards, the governor prorogued the general court. This measure was accompanied by an angry speech, but little calculated to diminish the resentments of the house directed personally against him; resentments occasioned as well by the haughtines of his manners, and a persuasion that he had misrepresented, in his letters to ministers, their conduct and opinions, as by the unpopular course his station at present required him to pursue.

“The circular letter of the house of representatives of Massachusetts was extremely well received in the other colonies. They generally approved the measures of opposition which had been taken, and readily united in them. They too petitioned the king against the obnoxious acts of parliament, and instructed their several agents to use all proper means to obtain their repeal. *Virginia* transmitted to her sister colonies a statement of her proceedings, and in the letter to Massachusetts, communicating the representation made by the house of burgesses to parliament, they say, ‘that they do not affect an independency of their parent kingdom, the prosperity of which they are bound, to the utmost of their abilities, to promote; but cheerfully acquiesce in the authority of parliament to make laws for preserving a necessary dependence, and for regulating the trade of the colonies: yet they cannot conceive, and humbly insist it is not essential, to support a proper relation between the mother country and colonies transplanted from her, that she should have a right to raise money from them without their consent, and presume they do not aspire to more than the rights of British subjects when they assert, *that no power on earth has a right to impose taxes on the people, or take the smallest portion of their property, without their consent, given by their representatives in parliament.* This has ever been considered as the chief pillar of the constitution; without this support, no man can be said to have the least shadow of liberty; since they can have no property in that, which another can by right take from them when he pleases, without their consent.

“In this letter too, the house of burgesses, after reprobating the act imposing duties on glass, &c. express their opinion concerning the mutiny act in the following terms. ‘The act suspending the legislative power of New York, they consider as still more alarming to the colonies, though it has that single province in view. If parliament can compel them to furnish a single article to the troops sent over, they may, by the same rule, oblige them to furnish clothes, arms, and every other necessary, even the pay of the officers and soldiers; a doctrine replete with every mischief, and utterly subversive of all that’s dear and valuable; for what advantage can the people of the colonies derive, from their right of choosing their own representatives, if those representatives when chosen, be not permitted to exercise their own judgments, be under a necessity (on pain of being deprived of their legislative authority) of enforcing the mandates of a British parliament.’

[*April 22.*] “On the first intimation of the measures taken by Massachusetts, the earl of Hillsborough, who had been appointed, about the close of the year 1767, to the then newly created office of secretary of state, for the department of the colonies, addressed a circular letter to the several governors, to be laid by them before the assemblies of their respective colonies, in which he treats the circular letter of Massachusetts, as being of the most dangerous and factious tendency, calculated to inflame the minds of his majesty’s good subjects in the colonies, to promote an unwarrantable combination, to excite and encourage an open opposition to and denial of the authority of parliament, and to subvert the true principles of the constitution; and he endeavours to prevail with them to treat with a proper resentment, what he terms ‘such an unjustifiable attempt to revive those distractions, which have operated so fatally to the prejudice of the colonies, and of the mother country;’ but in any event not to take part with Massachusetts by approving such proceedings.

“Far from producing the desired effect, this letter of the earl of Hillsborough rather served to strengthen the determination of the colonies, to unite in their endeavours for the purpose of obtaining a repeal of the laws so universally detested; and they declared, that they could not con-

sider as an unwarrantable combination, a concert of measures to give weight and efficacy to their representations in support of principles, they deemed essential to the preservation of the British constitution, and of British liberty.

"It is probable that this letter was accompanied with instructions to dissolve such assemblies, as should refuse to comply with its recommendations, as the assemblies were generally dissolved on taking the same into consideration, and declining to gratify the wish expressed by his lordship respecting the conduct of their sister colony.

[June 21.] "When the general court of Massachusetts was again convened, governor Bernard laid before the house of representatives an extract of a letter from the earl of Hillsborough, communicating the great concern of his majesty, that 'a house at the end of a session, should have presumed to revert to, and resolve upon a measure of so inflammatory a nature, as that of writing to the other colonies, on the subject of their intended representations against some late acts of parliament.' After stating the opinion, entertained by the crown, of this measure, in terms similar to those used in his circular letter, and expressing the opinion that the resolutions were passed by surprise, and against the sense of the assembly, he declares it to be 'the king's pleasure' that the governor 'should require the house of representatives, in his majesty's name, to rescind the resolution which gave birth to the circular letter from the speaker, and to declare their disapprobation of and dissent from that rash and hasty proceeding.'

[June 23.] "This message unavoidably produced a considerable degree of agitation; but without coming to any resolution on it, the house requested the governor to lay before them the whole of the letter of the earl of Hillsborough, and also copies of such letters as had been written by his excellency to that nobleman, on the subject to which the message referred.

[June 24.] "The letters written by the governor were haughtily refused, but the residue of that from the earl of Hillsborough was laid before them. That minister says, 'if, notwithstanding the apprehensions which may justly be entertained of the ill consequence of a continuance of this factious spirit, which seems to have influenced the resolutions of the assembly at the conclusion of the last session, the new assembly should refuse to comply with his majesty's reasonable expectation, it is the king's pleasure, that you immediately dissolve them.'

"In a subsequent part of the letter, the governor is assured that 'a faithful discharge of duty shall not operate to his prejudice, or to the discontinuance of any necessary establishments.'

[June 28.] "No immediate answer being returned to these communications, the governor pressed the house to a decision on them; adding, that he 'could not admit of a much longer delay, without considering it as an answer in the negative.'

"The next day the house requested a recess, that they might consult their constituents on the requisition made, in consequence of the earl of Hillsborough's letter. This being refused, [June 30] a letter to the earl was reported and agreed to by a majority of ninety-three to thirteen, in which they say, 'the house are humbly of opinion, that a requisition from the throne of this nature to a British house of commons, has been very unusual, perhaps there has been no such precedent since the revolution. If this be the case, some very aggravated representations of this measure must have been made to his majesty, to induce him to require of this house, to rescind a resolution of a former house, upon pain of forfeiting their existence; for, my lord, the house of representatives duly elected, are constituted by the royal charter, the representative body of his majesty's faithful commons of this province, in the general assembly.'

"They defend, in strong and manly, but decent terms, their circular letter; and then proceed to say, 'an attempt my lord, to impress the royal mind with a jealousy of his faithful subjects, for which there are no just grounds, is a crime of the most malignant nature, as it tends to disturb and destroy that mutual confidence between the prince and the subject, which is the only true basis of publick happiness and security. Your lordship, upon inquiry, may find that such base and wicked attempts have been made.'

"After stating the inexpressible grief of the people of the province, to find repeated censures falling on them 'not from ministers of state alone, but from majesty itself,' and saying that there was 'no evil in life which they felt more sensibly than the displeasure of their sovereign,' they state their proceedings relative to the circular letter, so as to show the propriety and regularity of their conduct on that subject; and say that 'the house humbly rely on the royal clemency, that to petition his majesty, will not be deemed by him to be inconsistent with a respect to the British constitution, as settled at the revolution by William III. that to acquaint their fellow subjects involved in the same distress, of their having so done, in full hopes of success, even if they had invited the union of all America in one joint supplication, would not be discountenanced by our gra-

cious sovereign, as a measure of an inflammatory nature. That when your lordship shall in justice lay a true state of these matters before his majesty, he will no longer consider them as tending to create unwarrantable combinations, or excite an unjustifiable opposition to the constitutional authority of parliament; that he will then truly discern, who are of that desperate faction which is continually disturbing the publick tranquillity; and that, while his arm is extended for the protection of his distressed and injured subjects, he will frown upon all those, who, to gratify their own passions, have dared to attempt to deceive him.

"The question was then put, whether the house would rescind the resolution on which their circular letter was founded? and it passed in the negative, by a majority of ninety-two to seventeen.

[*July 1.*] "A letter to the governor was then prepared, stating their motives for refusing to comply with the requisition to rescind their resolution, immediately after receiving which they were prorogued, and the next day they were dissolved by proclamation.

"While the opposition was thus conducted by the legislature, with temperate firmness, and with the use only of legitimate means, the general irritation occasionally broke out in the town of Boston in acts of violence, denoting evidently that the body of the people, at least in that place, were prepared for much stronger measures than their representatives had pursued.

"The seizure of the sloop *Liberty*, belonging to Mr. Hancock, by the collector and comptroller of the customs, occasioned the assemblage of a tumultuous mob, who beat the officers and those who assisted them, took possession of a boat belonging to the collector, which they burnt in triumph, and patrolled the streets for a considerable length of time. The revenue officers, fearing for their safety, took refuge, first on board the *Romney* man of war, and afterwards in castle William. After a considerable length of time had elapsed, the governor moved the council to take into consideration some measure for restoring vigour and firmness to government. To this application the council made a reply, in which they state, 'that the disorders which happened were occasioned, by the violent and unprecedented manner in which the sloop *Liberty* had been seized, by the officers of the customs.' And the inhabitants of Boston, in a justificatory memorial, supported by affidavits, say, 'the principal occasion of the late tumults arose, from the haughty conduct of the commissioners and other officers appointed by them. The *Romney* man of war, having moored before the town, intimidated the coasting vessels bringing provisions, firewood, &c. committed many acts of violence and outrage, and in particular, by cutting away a vessel from Mr. Hancock's wharf, detaining her several days, without any legal proceeding filed against her, &c. This irritated the people, who patrolled the streets in a tumultuous manner, broke several windows to the value of about five pounds sterling, burnt a pleasure boat belonging to the collector, and then dispersed at about eleven o'clock at night.'

"A *petition*, presented to the governor by the inhabitants assembled in a town meeting, a few days after this event, praying the removal of the *Romney*; after representing the grievances of which the people complained, and the remonstrances which had been transmitted to parliament, and the petitions to the throne, proceeds to state; "that they had waited the effect of these applications with the greatest attention to the publick peace, until they found themselves invaded with an armed force, seizing, impressing, and imprisoning the persons of their fellow subjects, contrary to express acts of parliament.

"Menaces, they said had been thrown out, fit only for barbarians, which already affected them in a most serious manner, and threatened them with famine and desolation; as all navigation was obstructed, upon which alone their whole support depended, and the town was, at that crisis, in a situation nearly such, as if war was formally declared against it."

"Although the people thus justified, or rather excused this act of violence, the legislature did not think proper to afford it their countenance. A committee of both houses, appointed to inquire into the state of the province, after reprobating in their report the circumstances attending the seizure, to which they attribute the mob which was collected, declare their utter abhorrence and detestation of a procedure which they pronounce to be very criminal; and desire the governor to direct the attorney general, to prosecute all persons concerned in the riot. They also requested that a proclamation might be issued, offering a reward to any person who should make discoveries, by which the rioters or their abettors might be brought to condign punishment.

"This report, however, seems to have been rather intended to save appearances, than to have produced any real effect corresponding with the sentiment it expressed. It was perfectly understood, that no person would dare to inform, or even to appear as a witness in any prosecution which might be instituted by the attorney general; and as if completely to prevent further proceedings,

several persons, who had been active in producing the riots, were placed on the grand jury for the succeeding term. Suits were afterwards instituted against Mr. Hancock and others, owners of the vessel and cargo; but, as it was thought unsafe to hazard the trial of them, they were never prosecuted to a final decision. (1)

"This riot, which completely demonstrated the impracticability of executing, by ordinary means, the obnoxious laws which government seemed determined to enforce, though it might not occasion, certainly accelerated a measure, which tended in no inconsiderable degree, to irritate still further, the angry dispositions already so prevalent in Boston.

"Representations had already been made by the governor to administration, stating the necessity of stationing a military force in the province, for the protection of the officers employed in collecting the revenue, and of the magistrates in preserving the public peace; and orders to detach at least one regiment on that service, had already [June 8.] been given by lord Hillsborough to general Gage, who was directed to select for the command of it, an officer, on whose prudence, resolution, and integrity, he could entirely rely. The transactions respecting the seizure of the sloop *Liberty*, rendered any attempt to produce a countermand of these orders entirely abortive, and probably was the cause that two regiments instead of one, were detached by general Gage.

[Sep.] "Before the arrival of this military force, the governor had used expressions intimating that it might be expected; in consequence of which, a committee of the inhabitants was deputed in a town meeting, to wait on his excellency, and know on what the suspicions he had expressed were founded, and also to pray him to convene another general assembly.

"The answer of the governor confirmed their fears respecting a military force, though he assured them, that he had no official communication on the subject; and contained also the information, that no other assembly could be convoked, until his majesty's commands for that purpose should be received.

"It seems to have been supposed, that a dissolution of the assembly of Massachusetts, would dissolve also the opposition to the measures of administration; and that the people, having no longer constitutional leaders, being no longer excited and conducted by their representatives, would gradually become quiet, and return to what was termed, their duty to government. But the opinions expressed by the house of representatives, were the opinions of the great body of the people, and had taken too deep root to be so readily suppressed. The most active and energetic part of society had embraced them with enthusiasm, and the dissolution of the assembly, only created a necessity for devising others, perhaps more efficient expedients, and hastened a mode of conducting their opposition, which was afterwards universally adopted.

[Sep. 12.] "The answer of the governor to their message being reported, the meeting immediately proceeded to resolve, 'that to levy money within that province by any other authority than that of the general court, was a violation of the royal charter, and of the undoubted natural rights of British subjects.

"That the freeholders, and other inhabitants of the town of Boston would, at the peril of their lives and fortunes, take all legal and constitutional measures to defend all and singular the rights, liberties, privileges, and immunities, granted in their royal charter.

"That, as there was an apprehension in the minds of many of an approaching war with *France*, those inhabitants, who were not provided with arms, should be requested duly to observe the laws of the province, which required that every householder should furnish himself with a complete stand.'

"They further resolved, 'that as the governor did not think proper to call a general court for the redress of their grievances, the town would then make choice of a suitable number of persons, to act for them as a committee in a *convention*, to be held at *Faneuil hall* in Boston, with such as might be sent to join them from the several towns in the province.'

"These votes were, at the desire of the meeting, communicated by the select men in a circular letter to the other towns in the province, which were invited to concur in them, and to elect committee men who should meet those of Boston, in convention.

[Sep. 22.] "The measure was very generally adopted, and a convention assembled, which was regarded with all the respect that could have been paid to a legitimate assembly.

"The country in general, though united on the great constitutional question of taxation, was probably not exasperated to the same point with the people of Boston; and the convention appears

(1) *This affair of the Sloop Liberty, took place, June 10: The report of the committee was made, June 30: just before the dissolution of the house.*

to have acted with unexpected moderation. They disclaimed all pretensions to any other character than that of mere individuals, assembled by deputation from the towns, to consult and advise on such measures as might tend to promote the peace and good order of his majesty's subjects in the province, but without power to pass any authoritative, or governmental acts.

"They petitioned the governor to assemble the general court, and addressed a letter to the agent for the province in England, stating the character in which they met, and the motives which brought them together. After expressing their opinions with temper and firmness, on the subjects generally complained of, and recommending to the people patience, and regard to good order, they dissolved themselves, and returned to their respective homes.

"The report that the two regiments were ordered to Boston, had spread through the country, and some hints which had been thrown out, seem to have created an apprehension, that the more violent part of the town would oppose their landing, and precipitate the province into a civil war.

[Sep. 28.] "The day before the convention rose, two British regiments, (1) commanded by colonel Dalrymple, arrived under convoy in Nantasket roads. The application of the governor to the council, to provide quarters for them in Boston, had been rejected, because there were barracks sufficient for their reception in the castle; and by act of parliament, the British troops were to be quartered no where else, until those barracks should be full. But a report having prevailed, that the people about Boston were in a state of open revolt, general Gage, who had originally directed one regiment to be stationed in the town, transmitted such orders as, combined with the threats which had been uttered of opposing the debarkation of the troops, induced the commanding officer to determine, to land both regiments in Boston.

[October 1.] The fleet, therefore, was put in motion, and took a station which commanded the whole town. The ships of war lay with their broad sides towards the town, with springs on their cables, and their guns ready for firing on the place, should any resistance be attempted. These formidable preparations having been made, the troops began to land about one o'clock in the afternoon, under cover of the cannon of their ships. This being effected without experiencing any opposition, they marched into the common with loaded muskets and fixed bayonets, in all that military pomp and parade which indeed are usual on such occasions, but which were believed by the inhabitants to be then displayed, for the purposes of intimidation or irritation.

"The select men, as well as the council, having refused to provide quarters in town for the troops, the state house was, by order of the governor, opened for their reception, and they took possession of all the apartments belonging to it, except that which was reserved for the council; and two field pieces, with the main guard, were stationed just in its front. The utmost indignation and disgust were excited among the people, at seeing the chamber of their representatives filled with regular soldiers, their councillors surrounded with foreign troops, and their whole city exhibiting the appearance of a garrisoned town. The inhabitants complained too, of being challenged as they passed and repassed; and the devout were disturbed by military musick, which often offended their ears during divine service. With the difference of manners between the soldiers and the inhabitants of the town, and the strong prejudices reciprocally entertained against each other, it is not wonderful that personal broils should frequently occur, and that mutual antipathies, already so strong, should be still further increased.(2)

"While these measures were pursuing in America, every session of parliament was opened with information from the king, that a disposition to refuse obedience to the laws, and to resist the authority of the supreme legislature of the nation, still prevailed among his misguided subjects in some of the colonies. In the addresses answering the speeches from the throne, both houses uniformly expressed their abhorrence, of the rebellious spirit manifested in the colonies, and their approbation of the measures taken by his majesty, for the restoration of order and good government.

"To give a more solemn expression to the sense of parliament on this subject, joint resolutions of both houses were at length entered into, condemning in the strongest terms, the measures pursued by the Americans; and an address was likewise agreed on, approving the conduct of the crown, giving assurances of effectual support to such further measures, as might be found necessary to maintain the civil magistrates, in a due execution of the laws within the province of Massachusetts bay; and beseeching him to direct the governor of that colony, to obtain and transmit to

(1) From Halifax, by order of Gen. Gage acting under the instructions of lord Hillsborough.

(2) Minot.

his majesty, information of all treasons committed in *Massachusetts* since the year 1767, with the names of the persons who had been most active in promoting such offences, that prosecutions might be instituted against them within the *realm*,⁽¹⁾ in pursuance of the statute of the 35th of *Henry VIII*.

THE JOINT RESOLUTIONS OF THE LORDS AND COMMONS WERE THESE,

"RESOLVED, by the lords spiritual and temporal in parliament assembled, that the votes, resolutions, and proceedings, of the house of representatives of *Massachusetts Bay*, in the month of *January* and *February* last, respecting several late acts of parliament, so far as the said votes, resolutions, and proceedings, do import a denial of, or to draw into question, the power and authority of his majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in parliament assembled, to make laws and statutes of sufficient force and validity, to bind the colonies and people of America, subjects to the crown of Great Britain, in all cases whatsoever; are illegal, unconstitutional, and derogatory of the rights of the crown and parliament of Great Britain.

"RESOLVED, by the lords spiritual and temporal in parliament assembled, that the resolution of the said house of representatives of the province of *Massachusetts Bay*, in *January* last, (2) to write letters to the several houses of representatives of the British colonies on the continent, desiring them to join with the said house of representatives of the province of *Massachusetts Bay*, in petitions which do deny or draw into question the right of parliament, to impose duties and taxes upon his majesty's subjects in America; and in pursuance of the said resolution, the writing such letters, in which certain late acts of parliament, imposing duties and taxes, are stated to be infringements of the rights of his majesty's subjects of the said province, are proceedings of a most unwarrantable and dangerous nature, calculated to inflame the minds of his majesty's subjects in the other colonies, tending to create unlawful combinations, repugnant to the laws of Great Britain, and subversive of the constitution.

"RESOLVED, by the lords spiritual and temporal in parliament assembled, that, in these circumstances of the province of the *Massachusetts Bay*, and of the town of *Boston*, the preservation of the publick peace, and the due execution of the laws, became impracticable, without the aid of a military force to support and protect the civil magistrates, and the officers of his majesty's revenue.

"RESOLVED, by the lords spiritual and temporal in parliament assembled, that the declarations, resolutions, and proceedings, in the town meetings at *Boston* on the *fourteenth* of *June*, and *twelfth* of *September*, were illegal and unconstitutional, and calculated to excite sedition and insurrections in his majesty's province of *Massachusetts Bay*.

"RESOLVED, by the lords spiritual and temporal in parliament assembled, that the appointment at the town meeting of the *twelfth* of *September*, (3) of a convention to be held in the town of *Boston* on the 22d of that month, to consist of deputies from the several towns and districts in the province of the *Massachusetts Bay*; and the issuing a precept, by the select men of the town of *Boston*, to each of the said towns and districts for the election of such deputies, were proceedings subversive of his majesty's government, and evidently manifesting a design, in the inhabitants of the said town of *Boston*, to set up a new and unconstitutional authority, independent of the crown of Great Britain.

"RESOLVED, by the lords spiritual and temporal in parliament assembled, that the elections by several towns and districts in the province of *Massachusetts Bay*, of deputies to sit in the same convention, and the meeting of such convention in consequence thereof, were daring insults offered to his majesty's authority, and audacious usurpations of the powers of government. [Passed 9th Feb. 1769.]

"These resolutions originated in the house of lords, and passed both houses by immense majorities. In the debate in the house of commons, Col. *Barre'* commented with great force on their being levelled particularly at *Massachusetts*, when the offence of resistance was common to all the colonies. He said, 'away with these partial resentful trifles, calculated to irritate, and not to quell or appease: inadequate to their purpose, unworthy of us! why will you endeavour to deceive yourselves and us? you know that it is not this place only which disputes your right, but every part. They tell you that you have no right, from one end of the continent to the other. My sentiments of this matter you well know. Consider well what you are doing. Act openly and honestly. Tell them, you will tax them; and that they must submit. Do not adopt this little, insidious, futile plan; they will despise you for it.'

"These threatening declarations, which seem to have been particularly directed against *Massachusetts Bay*, in the hope that the other provinces might be deterred from involving themselves in her dangers, made no impression on the colonists, in any degree favourable to the views of the mother country. Their resolution to resist the exercise of the authority claimed by Great Britain, not only remained unshaken, but manifested itself in a still more determined form.

[*May 16.*] "Not long after these votes of the British parliament, the assembly of *Virginia* was convened by lord *Botetourt*, a nobleman of the most conciliating and popular manners, who had recently been appointed governor of that colony. A copy of the proceedings having already been received, the house took into their immediate consideration the state of the colony, and passed unanimously several resolutions, asserting in the most decisive terms, the exclusive right of that assembly to impose taxes on the inhabitants within his majesty's dominions of *Virginia*, and their undoubted right to petition for a redress of grievances, and to obtain a concurrence of the other colonies in such petitions. Alluding particularly to the joint address of the two houses to the king, they also resolved, 'that all persons charged with the commission of any offence within that colony, were entitled to a trial before the tribunals of the country, according to the fixed and known course of proceeding therein, and that to seize such persons and transport them beyond sea for trial, derogated in a high degree from the rights of British subjects, as thereby the inestimable privilege of being tried by a jury from the vicinage, as well as the liberty of summoning and producing witnesses on such trial, will be taken away from the party accused.'

"An address to his majesty was also agreed on, which states in the style of loyalty and real attachment to the crown, the deep conviction of the house of burgesses of *Virginia*, that the complaints of the colonists were well founded.

"This address manifests so clearly, the then real temper of a colony, which took a very active part in the contest with the mother country, that it cannot be entirely unacceptable to the reader.

"TO THE KING'S MOST EXCELLENT MAJESTY:

"*The humble address of his dutiful and loyal subjects, of the house of Burgesses of his majesty's ancient colony of Virginia, met in general assembly.*

"May it please your majesty,

"We your majesty's most loyal, dutiful, and affectionate subjects, the house of burgesses of this your majesty's ancient colony of *Virginia*, now met in general assembly, beg leave, in the humblest manner, to assure your majesty, that your faithful subjects of this colony, ever distinguished by their loyalty and firm attachment to your majesty, and your royal ancestors, far from countenancing traitors, treasons, or misprisons of treasons, are ready at any time, to sacrifice our lives and fortunes in defence of your majesty's sacred person and government.

"It is with the deepest concern and most heartfelt grief, that your majesty's dutiful subjects of this colony find that their loyalty hath been traduced, and that those measures, which a just regard for the British constitution (dearer to them than life) made necessary duties, have been represented, as rebellious attacks upon your majesty's government.

"When we consider that, by the established laws and constitution of this colony, the most ample provision is made, for apprehending and punishing all those who shall dare to engage in any treasonable practices against your majesty, or disturb the tranquillity of government; we cannot without horror think of the new, unusual, and, permit us with all humility to add, unconstitutional and illegal, mode recommended to your majesty, (1) of seizing and carrying beyond sea the inhabitants of America suspected of any crime, and of trying such persons in any other manner than by the ancient and long established course of proceeding; for how truly deplorable must be the case of a wretched American, who, having incurred the displeasure of any one in power, is dragged from his native home, and his dearest domestic connexions, thrown into a prison, not to await his trial before a court, jury, or judges, from a knowledge of whom he is encouraged to hope for speedy justice; but to exchange his imprisonment in his own country, for fetters among strangers; conveyed to a distant land, where no friend, no relation, will alleviate his distresses, or minister to his necessities, and where no witness can be found to testify his innocence; shunned by the reputable and honest, and consigned to the society and converse of the wretched and the abandoned, he can only pray that he may soon end his misery with his life.

"Truly alarmed at the fatal tendency of these pernicious counsels, and with hearts filled with anguish by such dangerous invasions of our dearest privileges; we presume to prostrate ourselves

(1) Under the stat. 35. H. 8 c. 2. by which, for treasons done out of England, the party was to be sent to England, there indicted and tried, before the king's bench, or commissioners appointed by the king: 2 Hawk. 317.

at the foot of your royal throne, beseeching your majesty, as our king and father, to avert from your faithful and loyal subjects of America, those miseries which must necessarily be the consequence of such measures.

"After expressing our firm confidence of your royal wisdom and goodness, permit us to assure your majesty, that the most fervent prayers of your people of this colony are daily addressed to the Almighty, that your majesty's reign may be long and prosperous over Great Britain, and all your dominions; and that after death, your majesty may taste the fullest fruition of eternal bliss, and that a descendant of your illustrious house may reign over the extended British empire, until time shall be no more."

"Most of the colonies followed *Virginia* in similar resolutions.

"Intelligence of these proceedings having reached the governor, he suddenly dissolved the assembly; the members of which then convened at a private house, and having chosen their speaker moderator, proceeded to form a non-importing association, which was signed by every person present; and which, being recommended by them to the people, was subscribed, almost universally, throughout the province.

[*May 17.*] "The manner of dissolving this assembly, was long recollected in *Virginia*. The governor, suddenly appearing, addressed them in these words: 'Mr. speaker, and gentlemen of the house of burgesses, I have heard of your resolves, and augur ill of their effects. You have made it my duty to dissolve you, and you are dissolved accordingly.' (1)

"The next month, the *Maryland* gentlemen and merchants entered into a non-importation agreement similar to the *Virginian*.

"The *South-Carolinians* followed the example.

"The inhabitants of *Charlestown* broke off all commerce with the *Rhode-Islanders* and *Georgians*, whom they charged with having acted a most singularly infamous part, from the beginning of the present glorious struggle, for the preservation of American rights. This had its effect, and *Georgia* came into the non-importation agreement, *September* the *nineteenth*; but *Rhode-Island* not till the *thirtieth*.

"The *North-Carolina* assembly came to the like resolution with the *Virginia* house of burgesses, for which governor *Tryon* dissolved them. Upon that, the gentlemen who had composed it, repaired to the court-house, chose the late speaker moderator, and came to a resolution for an association against importing, &c. conformable to what had been done elsewhere. Thus the non-importation agreement became general, and was forwarded by the very means applied for its prevention. Meetings of the associators were regularly held. Committees were appointed to examine the cargoes of all vessels arriving from Britain; and regular votes and resolutions of censure were passed in those meetings, upon such as refused to concur in the associations, and their names published in the newspapers as enemies to their country. The decrees of those committees, met with a respect and obedience, denied to the constitutional authority of government. (2)"

"From the commencement of the controversy, the opinion seems to have prevailed extensively throughout the colonies, that the most effectual means of succeeding in the struggle in which they were engaged, were those, which would interest the merchants and manufacturers of Great Britain in their favour. Associations had therefore been set on foot in *Massachusetts*, as early as the beginning of *May* 1768, for the non-importation of goods from that country. The merchants of some of the trading towns in the other colonies, especially those of *Philadelphia*, although perfectly according with their countrymen in opposing the claims of the mother country, refused at that time to concur in a measure, which they deemed too strong for the existing state of things, and it was, for the moment, laid aside. But in the beginning of *August*, it was resumed in *Boston*, and the merchants of that place generally entered into an agreement, not to import from *Great Britain* any articles whatever, except a few of the first necessity, between the first of *January* 1769, and the first of *January* 1770; and not to import tea, glass, paper, or painters colours, until the duties imposed on those articles should be taken off. This agreement was soon afterwards adopted in the town of *Salem*, the city of *New York*, and the province of *Connecticut*; but was not, however, generally entered into through the colonies, until the resolutions and address of the two houses of parliament, which have already been mentioned, seemed to cut off the hope, that petitions and memorials would alone effect the object for which they contended.

"The proceedings of the house of burgesses of *Virginia*, which took place very soon after the intelligence of those resolutions and that address had reached *America*, were, by order of the house,

transmitted by their speaker to the speakers of the several assemblies throughout the continent. The occasion seemed, in the opinion of the neighbouring colonies, to require measures of greater energy than had heretofore been adopted; and an association, similar to that which had been formed by their elder sister, was entered into by *Maryland, North, and South Carolina*, as before stated.

"In *Portsmouth in New Hampshire*, where Mr. *Wentworth*, a very popular governor, possessed great influence, there was also discovered a considerable degree of reluctance at adopting this measure; but being threatened with a suspension of their whole intercourse with the other colonies, the merchants of that place likewise, following the example so generally set them, joined in an association similar to that which had been elsewhere very generally adopted.

"All ranks and conditions of persons united in giving effect to this agreement. The utmost exertions were used to improve the manufactures of the country; and the fair sex, laying aside the late fashionable ornaments of England, exulted, with patriotick pride, in appearing dressed with the produce of their own looms. Committees chosen by the people, superintended every where the importations which were made, and the force of public opinion secured, in a great degree, from violation, the associations which had been formed.

[*May 31.*] "The situation of that province rendering a legislative grant of money necessary for the purposes of government, the general court of *Massachusetts* was again convened. The members of the former house of representatives were generally re-elected, and brought with them the temper which had occasioned their dissolution. Discovering no disposition to enter on the business for which they were called together, they immediately engaged in a controversy with the governor,⁽¹⁾ concerning the removal of the ships of war from the harbour, and troops from the town of *Boston*, which, as the representative of the crown, they insisted on his power to do.

[*June 13.*] "In the expectation that, by removing the general court from a place where the members were, by the great influence of the metropolis, excited to and supported in the system they had adopted, they might be induced to enter on the ordinary business of the country, the governor adjourned them to meet at *Cambridge*.

"Far from producing the intended effect, this measure served to increase the existing irritation. The business recommended to them, remained for some time unnoticed; their altercations with the governor continued, and they entered into several warm resolutions, enlarging the catalogue of grievances, and expressed in terms of infinitely greater exasperation, than had heretofore appeared in the official acts of any legislature on the continent.

[*July 7.*] "The following are the resolutions alluded to.

"The general assembly of this his majesty's colony of *Massachusetts Bay*, convened by his majesty's authority, by virtue of his writ issued by his excellency the governor, under the great seal of the province; and this house thinking it their duty, at all times, to testify their loyalty to his majesty, as well as their regard to the rights, liberties, and privileges of themselves and their constituents, do pass the following resolutions, to be entered on the records of the house.

"RESOLVED, that this house do, and ever will, bear the firmest allegiance to our rightful sovereign king *George III.* and are ever ready, with their lives and fortunes, to defend his majesty's person, family, crown and dignity.

"RESOLVED, that this house do concur in, and adhere to, the resolutions of the house of representatives in the year 1765, and particularly in that essential principle, that no man can be taxed, or bound in conscience to obey any law, to which he has not given his consent, in person, or by his representative.

(1) "This contest is thus stated by Mr. *Gordon*. 'The general court being called together according to charter, a committee from the house of representatives remonstrated to his excellency, 'that an armament by sea and land, investing this metropolis, (*Boston*) and a military guard with cannon pointed at the door of the state house, where the assembly is held, are inconsistent with that dignity and freedom, with which they have a right to deliberate, consult, and determine. They expect that your excellency will, as his majesty's representative, give effectual orders for the removal of the above-mentioned forces by sea and land out of this port, and the gates of this city, during the session of the said assembly.' The governor returned for answer, 'gentlemen, I have no authority over his majesty's ships in this port; or his troops in this town.' A few days after receiving this answer, the house, in a message to him, declared 'the use of the military power to enforce the execution of the laws, is, in the opinion of this house, inconsistent with the spirit of a free constitution, and the very nature of government. The military force is uncontrollable by any authority in the province; it is then a power without any check here; and therefore it is so far absolute. What privilege—what security then, is left to this house!'

"RESOLVED, *as the opinion of this house*, that it is the indubitable right of the subject in general, and, consequently, of the colonies, jointly or severally, to petition the king for redress of grievances; and that it is lawful whenever they think it expedient, to confer with each other, in order to procure a joint concurrence, in dutiful addresses for relief from their common burdens.

"RESOLVED, that governor Bernard, in wantonly dissolving the last year's assembly, and in refusing to call another, though repeatedly requested by the people, acted against the spirit of a free constitution; and if such procedure be lawful, it may be in his power, whenever he pleases, to make himself absolute.

"RESOLVED, that at a time when there was a general discontent, on account of the revenue acts; an expectation of the sudden arrival of a military power, to enforce the execution of those acts; a dread of the troops being quartered upon the inhabitants; when our petitions were not permitted to reach the royal ear—the general court at such a juncture dissolved, and the governor's refusing to call a new one, and the people thereby reduced to almost a state of despair—at such a time it was innocent, if not highly expedient and necessary, for the people to convene by their committees, in order to associate, consult, and advise the best means to promote peace and order, and by all lawful ways to endeavour to have their united complaints laid before the throne, and jointly to pray for the royal interposition, in favour of our violated rights; nor can this procedure possibly be conceived to be illegal, as they expressly disclaimed all governmental acts.

"RESOLVED, *as the opinion of this house*, that governor Bernard, in his letters to lord Hillsborough, his majesty's secretary of state, has given a false and highly injurious representation of the conduct of his majesty's truly loyal and faithful council of this colony, and of the magistrates, overseers of the poor, and inhabitants of the town of *Boston*; tending to bring on these respectable bodies, and especially on some individuals, the unmerited displeasure of our gracious sovereign, to introduce a military government into the province, and to mislead both houses of parliament into such severe resolutions, as a true, just, and candid state of facts must have prevented.

"RESOLVED, that governor Bernard, in the letters before-mentioned, by falsely representing, that it was become 'necessary the king should have the council chamber in his own hands, and should be enabled by parliament to supersede, by order in his privy council, commissions granted in his name, and under his seal throughout the colonies,' has discovered his enmity to the true spirit of the British constitution, and to the liberties of the colonies; and particularly has meditated a blow at the root, of some of the most invaluable constitutional and charter rights of this province; the perfidy of which, at the very time he was professing himself a warm friend to the charter, is altogether unparalleled by any person in his station, and ought never to be forgotten.

"RESOLVED, that the establishing a standing army in this colony, in a time of peace, without the consent of the general assembly of the same; is an invasion of the natural rights of the people, as well as those which they claim as free born Englishmen, and which are confirmed by magna charta, and the bill of rights as settled at the revolution, and by the charter of this province.

"RESOLVED, that a standing army is not known as a part of the British constitution, in any of the king's dominions; and every attempt to establish it as such, has ever been deemed a dangerous innovation, and manifestly tending to enslave the people.

"RESOLVED, that the sending an armed force into this colony, under a pretence of aiding and assisting the civil authority, is an endeavour to establish a standing army here without our consent, and highly dangerous to this people—is unprecedented and unconstitutional. His excellency general *Gage*, in his letter to lord *Hillsborough*, *October 31st*, having, among other exceptionable things, expressed himself in the following words: 'From what has been said, your lordship will conclude, that there has been no government in *Boston*; in truth, there is very little at present, and the constitution of this province leans so much to the side of democracy, that the governor has not the power to remedy the disorders that happen in it.'

"RESOLVED, *as the opinion of this house*, that his excellency general *Gage*, in this and other assertions, has rashly and impertinently intermeddled in the civil affairs of this province, which are altogether out of his department; and in the internal police of which, by his letter, if not altogether his own, he has yet betrayed a degree of ignorance equal to the malice of the author.

"With respect to the nature of our government, this house is of opinion, that the wisdom of that great prince, *William III.* who gave the charter, aided by an able ministry, men thoroughly versed in the English constitution and law, together with the happy effects that have been derived from it to the nation, as well as this colony, did place it above the reprehension of the General, and should have led him to inquire, whether the disorders complained of have not originated from an arbitrary disposition in the governor, rather than from too great a spirit of democracy in the people.

"And this house cannot but express their concern, that too many in power both at home and abroad so clearly avow, not only in private conversation, but in their publick conduct, the most rancorous enmity against the free part of the British constitution, and are indefatigable in their endeavours to render the monarchy absolute, and the administration arbitrary in every part of the British empire.

"Resolved, That this house, after the most careful inquiry, have not found any instance of the course of justice being interrupted by violence, even before a single magistrate, nor of any magistrate's refusing to inquire into, or redress any complaint properly laid before him; while it is notorious to all the world, that, even such acts of parliament as have been deemed by the whole continent highly oppressive, have been so far from being opposed with violence, that the duties imposed, and rigorously exacted, have been punctually paid.

"Resolved, that the fining in the small sum of ten pounds only, a high handed offender, viz. one Fellows, in the county of *Essex*, who by force, and with fire arms loaded with ball and swan shot, rescued a prisoner lawfully taken by the sheriff of said county, is a grievance, and tends to the encouragement of such crimes for the future.

"RESOLVED, that the frequently entering *noli prosequi's* by the attorney and advocate general, in cases favourable to the liberty of the subject, and rigorous prosecutions by information and otherwise in those in favour of power, is a daring breach of trust, and an insupportable grievance on the people.

"RESOLVED, that it is the opinion of this house, that all trials for treasons, misprision of treason, or for any felony or crime whatsoever, committed or done in his majesty's said colony, by any person or persons residing therein, ought of right, to be had and conducted in and before his majesty's courts held within the said colony, according to the fixed and known course of proceeding; and that the seizing any person, or persons, residing in this colony, suspected of any crime whatsoever, committed therein, and sending such person, or persons, to places beyond the sea, to be tried, is highly derogatory of the rights of British subjects, as thereby the inestimable privilege of being tried by a jury from the vicinage, as well as the liberty of summoning and producing witnesses on such trial, will be taken away from the party accused."

"Not long after the passage of these resolutions, the house explicitly refused to make the provision required by the mutiny act, for the troops stationed in *Massachusetts*: and this being the object for which they were most especially convened, they were prorogued until the 10th of *January*," to meet at *Boston*.(1)

"The committees appointed to examine the cargoes of vessels arriving from Great Britain, in order to prevent any breach of the association, went on to execute the trust reposed in them.

"Votes of censure were passed on such as refused to concur in that agreement, or violated its principles, and the names of the offenders, were published in the newspapers, as enemies to their country. In some cases, the goods imported in contravention of it were locked up in warehouses, to prevent their being sold, and in some few instances, they were re-shipped to Great Britain.

"Not long after the strong resolutions, which have been noticed, were agreed to by parliament; while their effect was unfolding itself in every part of the American continent, a disposition more conciliatory than had heretofore been manifested, found its way into the cabinet at *St. James's*. The duke of *Grafton* was placed at the head of the administration, and supported with great earnestness, a proposition for the repeal of all the duties imposed for the purpose of raising a revenue in the colonies. This moderate and judicious measure he was unable completely to carry. It was thought indispensable to the maintenance of the legislative supremacy of Great Britain, to retain the duty on some one article, and that on tea was reserved, while the others were relinquished.

"Never perhaps, did a great and wise nation adopt a more ill judged measure than this. The

(1) *Mr. Gordon's account of this refusal, is as follows,*

[July 12.] "The governor called upon them to answer, whether they would or would not make provision for the troops.

[15.] "The house, by message, after remarking upon the mutiny or billeting act, answered, 'As we cannot consistently with our own honour or interest, much less with the duty we owe to our constituents, so we never shall make any provision of funds, for the purposes in your several messages.' Upon that the governor prorogued them to the tenth of *January*, to meet at *Boston*.

"*South-Carolina* assembly, no less than the *Massachusetts*, ventured to disobey the mutiny act, and adopted similar resolutions to those of *Virginia*. The *Maryland* lower house entered partly into similar ones, but the last was omitted, and the first more strongly expressed. The *Delaware* counties early followed the lead of *Virginia*, and adopted their last resolve verbatim; and toward the close of the year, the *New York* assembly concurred in their resolves with *Virginia*."

contest with America was plainly a contest of principle, and had been conducted entirely on principle, by both sides. The amount of taxes proposed to be raised, was too inconsiderable to have been deemed, by either people, of sufficient consequence to induce them to hazard, on that account, the consequences already produced. But the *principle* was, in the opinion of both, of the utmost magnitude. The measure now proposed for conciliation, while it encouraged in the Americans the hope that their cause was gaining strength in Britain, had no tendency to remove the ground of contest. Their opposition had been founded on the conviction, that the right to tax them was vested exclusively in themselves; and while this measure was thought to evidence the effect already produced by that opposition, it left in full force all the motives which originally produced it.

"In pursuance of this resolution of the cabinet, a circular letter was written, (*May 13.*) by the earl of *Hillsborough* to the different governors, informing them 'that it was the intention of his majesty's ministers, to propose in the next session of parliament, taking off the duties on glass, paper, and painters colours, on consideration of such duties having been laid contrary to the true spirit of commerce; and assuring them, that at no time had they entertained the design, to propose to parliament, to lay any further taxes on America for the purpose of raising a revenue.'

[*July 27.*] "This measure having been communicated in letters from persons in *England* to their correspondents in *Massachusetts*, and apprehensions being entertained that an improper opinion concerning its operation might be formed, a meeting of the merchants and traders in *Boston* was held, in which it was resolved, 'that the partial repeal of the duties would not remove the difficulties under which their trade laboured; was only calculated to relieve the manufacturers of Great Britain; and that they would still rigidly adhere to their non-importation agreement.'

"The communication which had been received by the governors, from the earl of *Hillsborough*, of the intended application to parliament, for the repeal of the duties on glass, paper, and painters colours, was made to the several legislatures as they convened, in terms implying an intention, to renounce the imposition of any future taxes on America. But this communication seems no where to have restored perfect content.

"The *Virginia* legislature was in session on its arrival, and governor *Botetourt* laid it before them. (1) They voted, as a protest manifesting their dissatisfaction with it, a petition to the king, asserting the rights they had heretofore maintained; and as individuals, immediately signed an association, in which they were joined by several respectable merchants of the country then met at *Williamsburg*, by which they renewed their non-importation agreement with respect to certain enumerated articles, not of absolute necessity, and engaged to continue it, until the duty on *tea* should be repealed.

"Yet several causes combined to render a general observance of the non-importation agreement extremely difficult. The sacrifice of interest made by the merchants was too great to be continued, but under the influence of very powerful motives. Suspicions were entertained of each other in the same towns, and committees to superintend the conduct of importers, were charged with gross partiality in permitting some persons to sell goods contrary to their engagement, while others, not more culpable, were held up to the publick as enemies to their country. The different commercial towns, too, watched each other with no inconsiderable degree of jealousy, and accusations were reciprocally made of infractions to a great extent, of the association they had so solemnly pledged themselves to observe. Letters purporting to be from *England*, were published, stating that large orders for goods had been received; and the inconvenience resulting, from even the partial interruption of commerce which had taken place, and the want of those British manufactures which the inhabitants had been accustomed to use, began to be severely and extensively felt. In *Rhode-Island* and *Albany*, it was determined to import as usual, with the restriction only of such articles as should be dutiable. On the remonstrances of other commercial places, especially of *Boston*, these resolutions were changed, and the hope was entertained, that the general system on which the colonies relied for success, in their opposition to the scheme of establishing the right in Britain to tax them, would still be adhered to.

(1) "Lord *Botetourt*, in communicating the assurances of ministers to the assembly of *Virginia*, added, 'it is my firm opinion, that the plan which I have stated will take place, and that it will never be departed from. I shall exert every power with which I am, or ever may be legally invested, in order to obtain and maintain, for the continent of America, that satisfaction, which I have been authorised to promise this day, by the confidential servant of our gracious sovereign; who, to my certain knowledge, rates his honour so high, that he would rather part with his crown, than preserve it with deceit.'

"These hopes were blasted by *New-York*. That town at first, determined to import as usual, with the exception only of articles subject to the duty, provided the large commercial towns of *Boston* and *Philadelphia* would accede to the proposition.

"These towns refused to depart from the non-importation agreement, and strenuously urged their brethren of *New-York*, to persevere with them in the glorious struggle. On receiving this answer, it was communicated to the people; and their opinion, on the question of rescinding or adhering to the non-importation agreement, was taken in their respective wards, when a decided majority was found in favour of importing generally, with the single exception of such articles as might be subject to duty. This determination was immediately communicated, and excited in *New England* and *Philadelphia* the most lively chagrin. Their remonstrances against it were however, ineffectual; and the agreement thus openly departed from in *New York*, was soon universally abandoned. The association was now confined to the single article of tea.

"In justification of themselves, it was alleged by the people of *New York*, that the towns of *New England* had not fairly observed their engagements, and that the merchants of *Albany*, had been in the practice of receiving goods from *Quebec*.

"No sufficient evidence in support of these assertions was ever adduced. But it is certain, that extreme difficulty attended a perseverance in the plan which had been adopted. Independent of the privations to which the associators were exposed; of the great loss encountered by the merchants, whose business was suspended; it was not easy to surmount the obstacles which opposed themselves to a continued union, in the same measure, of rival towns, jealous of the commercial prosperity of each other, and conscious, that if the agreement should be evaded by others, ruin must be the fate of those who should adhere to it.(1)

[*Mar. 5.*] In this year the "*Boston massacre*," as it was termed, took place: as it created a great sensation at the time, and tended much to inflame the people against England, I shall mention it here. It will be remembered, that two regiments of British troops, had been quartered in that town, in *Oct. 1768*, to support the custom-house officers in collecting the duties, under the glass and paper act, &c. of *June 1767*.

"Outrages had been committed by the soldiers; and frequent quarrels had happened between them and the inhabitants of Boston, who viewed the military as come to dragoon them into obedience to statutes, instructions, and mandates, that were thoroughly detested. Each day gave rise to new occurrences which augmented the animosity. Reciprocal insults soured the tempers, and mutual injuries embittered the passions of the opposite parties."

At length, on the night of *Mar. 5.* the town's people, under pretext of a particular insult received from the soldiery, collected in great numbers, for the purpose of attacking them in their quarters.

Capt. *Preston*, officer of the day, on the alarm, had repaired to the main guard, near the custom-house: the *sentinel* at that place being insulted, and his life endangered, Capt. *Preston* detached from the guard, a corporal and six men to protect him, as also the king's chest in the custom-house, and followed himself: at this place, the corporal's guard fired upon the mob, *Preston* being present: four persons were killed, and four or five wounded, one of whom died afterwards.

"Most violent agitations prevailed in Boston on this event; many thousands collected; next day a town council is called: the people insist on the removal of both regiments from the town, which is finally carried: Capt. *Preston* and his party are committed to goal: It is determined to bury the four persons in one vault, and in a peculiarly respectful manner. *Mar. 8.* The generality of the shops in town are shut. All the bells of Boston, Charlestown, and Roxbury, are ordered to toll in the most doleful tone. The corpses are brought to King-street, where they fell when the soldiers fired. Hence they proceed in orderly succession through the main street, followed by an immense concourse of people, so numerous as to be obliged to go in ranks of six a-breast, and the whole closed by a long train of carriages, belonging to the principal gentry of the town. Thus are they distinguished and honourably attended to the place of interment, with unparalleled pomp, not on account of personal merit, but to express the vehement indignation of the inhabitants, against the slaughter of their brethren by the British soldiery quartered among them, in violation, as they imagine, of their civil liberties."(2)

Oct. 24. Capt. *Preston's trial*, on an indictment for murder, commenced and lasted several days, when he was honourably acquitted: the eight soldiers were brought to trial *Nov. 27.* it

lasted to Dec. 5. six were acquitted, and two found guilty of manslaughter only, as firing on provocation.

Nothing, from the beginning, could exceed the prejudice and resentments of the people against the prisoners. The whole continent seemed to have been engaged in the affair, and there was a general cry for justice, upon the "British murderers." Several persons also were tried, as *aides* in the "murder" of the Bostonians, on the 5th of March, and acquitted. The *counsel* for the prisoners, were *John Adams*, and *Josiah Quincy Esqs.*: though these gentlemen were most distinguished on the side of the country, in all the struggles against British usurpations; yet this did not in the least deter them from encountering popular odium, in their defence of Capt. Preston, and the British soldiers. The particulars of the trial exhibit them in the most dignified character, fearlessly exerting the highest powers of reason, eloquence, and knowledge of the laws, for the protection of innocent men, whom popular rage had devoted to certain death.

The event however, justified the American character; the virtue of a Boston (or suffolk) *jury* being no less conspicuous than that of the prisoners counsel: in pronouncing Capt. Preston and his men "not guilty." (1)

At length however, such was the universal and powerful opposition to this act [of June 29. 1767.] laying duties on glass, paper, tea, &c. not only by what might be deemed rightful, as non-importation agreements, resolves and petitions, but by fraudulent practices, obstructions, insult, and attack upon the revenue officers; that it was *repealed*, two years and ten months from the time of passing.

The whole period, was one of continued irritation and opposition in the colonies; and tended greatly to alienate the people. The proceeds of the duties probably did not pay the expense of collection, such was the effect of non-importation, smuggling, and the fears of revenue officers to execute the act.

[Mar. 5. 1770] The bill to repeal, was brought in by lord *North*, (2) who in Jan. preceding, became prime minister on the resignation of the duke of *Grafton*. The account given of it by a British author, is shortly this:

"One of the first acts of the new minister was, the bringing in a bill for the repeal of so much of the late act of parliament, as related to the imposing of a duty on paper, painters colours, and glass, imported into America; the tax upon tea, which was laid on by the same act, was still continued. This repeal was made in compliance with the prayer of a petition, presented by the American merchants to the house of Commons, setting forth the great losses they sustained, and the fatal effects produced by the late laws, which for the purpose of raising a revenue in the colonies, had imposed duties upon goods exported from Great-Britain thither. (3)

"It was much insisted upon by those members, who had uniformly opposed the laying internal taxes upon America, that now, as the minister began to recede, the act which imposed these duties should be at once totally repealed. To this it was objected, that the colonies, instead of deserving additional instances of tenderness, did not, in fact, deserve the instance then shown, as their conduct had become more violent than ever; and their associations, instead of supplicating, proceeded to dictate, and grew at length to such a height of temerity, that administration could not, for its own credit, go as far as it might incline, to gratify their expectations: that, was the tax to be wholly abolished, it would not either excite their gratitude or re-establish their tranquillity; they would set the abolition to the account, not of the lenity, but of the fears of government; and upon a supposition that we were to be terrified into concession, they would make fresh demands, and rise in their turbulence, instead of returning to their duty. Experience had fatally proved this to be their disposition: we repealed the stamp-act, to comply with their desires, but they have neither learnt obedience or moderation thereby; on the contrary, our lenity has encouraged them to insult our authority, to dispute our rights, and aim at independent government. While therefore the Americans deny our power to tax them, is it proper for us to acquiesce in the argument of illegality, and by the repeal of the whole law to give up the power? Such a conduct would be to betray ourselves out of compliment to them, and through a wish of rendering more than justice to America, resign the controlling supremacy of England.

(1) *I shall give some account of this trial in the nature of a "report," in a future volume of the Law Register.* (2) Eldest son of the earl of Guilford, tutor to Geo. III. (3) The preamble of the act, ascribes the repeal to commercial considerations; when the fact was, it was wrung from the cabinet, by the force of opposition in America: see also the preamble to the stamp act, which refers its repeal, to a cause entirely distinct from the real one, namely, the impossibility of enforcing it.

"These arguments did not pass without animadversion from the other side of the house. The ministers, 'said the opposition,' condemn the concessions of their predecessors, yet they begin themselves by concession, with this only difference, that their's is without grace, benignity or policy, and that they yield after a vexatious struggle. It was observed that a partial repeal, instead of producing any benefit to the mother country, would be a real grievance, a certain expense to ourselves, as well as a source of perpetual discontents to the colonies. By continuing the trifling tax upon tea, while we take off the duties upon painters colours, paper and glass, we keep up the whole establishment of custom-houses in America, with their long hydra-headed train of dependents, and yet cut off the very channels through which their voracious appetites are to be glutted. The tea duty, it was asserted, would by no means answer the expense of collecting it, and the deficiencies must of course be made up out of the revenue of this country."

It plainly appears, that the object of the minister was not that of revenue, but by the most secret and apparently unimportant steps, to obliterate from the minds of the Americans, those horrid ideas which they had formed of internal taxation; and in effecting this, an essential service was meant to be rendered to the East India Company, who felt very sensibly the diminution of their exports to America. In the year 1768, they had exported to that continent teas to the value of 132,000*l.* the next year their exports declined to 44,000 (1) whilst they still continued to lessen in the same rapid manner. This was an evil of such a magnitude, as to force itself upon the minister's attention. The company paid a duty of 25 per cent. on their exported teas, which greatly enhanced the price at the market, and enabled the Dutch to supply the colonies much cheaper: this duty was therefore discontinued, whereby the price of teas in America was so materially reduced, that it was presumed the continuing of the duty of the three pence per pound weight on that commodity, would be entirely overlooked. (2)

"[April 12.] The king gave his assent to the act for *repealing* the duties on glass, paper, and colours. The *Tea* duty was professedly continued as a pepper corn rent, for the point of honour, and as a badge of sovereignty over the colonies. The ministry might also mean to use it in some future period, for deeper purposes than could be then fathomed." (3)

A partial repeal however did not satisfy the Americans. "The *Virginia* house of burgesses, in a petition to his majesty, expressed their exceeding great concern and deep affliction upon finding, that the several acts imposing duties for the purpose of raising a revenue in America, were continued; and said, 'A partial suspension of duties, and these such only as were imposed upon British manufactures, cannot remove the too well grounded fears and apprehensions of your majesty's subjects, whilst impositions are continued on the same articles of foreign fabric, and entirely retained upon tea, for the avowed purpose of establishing a precedent against us.' " (4)

The non-importation agreements, nevertheless, from this time were not much observed; except in the article of "Tea"; In respect of this, it was rigorously complied with, and what with the smuggling, and the fears or connivance of custom-house officers, this duty was not collected: Thus ended the second triumph of the colonies over the Parliament, in forcing a repeal of the "Glass" act of 1767. as they had of the Stamp act of 1765.

The violence of the storm now passed by, but the commotion of the billows was long subsiding; indeed, could scarcely be said to subside: New agitations continued to disturb the publick mind, grown wholly distrustful of the mother country, and bolder from union and success. (5)

(1) *The effect of non-importation agreement in the single article of tea.* (2) *North's administration: It might be inferred (though probably not so meant) from Ch. Just. Marshall's history 2 vol. p. 136.7.—that the repeal was during the premiership of the Duke of Grafton: Id. North however was the minister, and introduced the repeal.* (3) 10 Stat. 667. an. 10. Geo. 3. c. 17. (4) *Gord.* (5) *It will have been perceived, that Mr. Geo. Grenville, from the beginning, was an able and resolute supporter of American taxation; he died July 30. this year: the following is an extract relative to his death and character: "This was the last publick service (viz. the bill for determining controverted elections in parliament.) which Mr. Geo. Grenville rendered his country: he closed an active and laborious life, on the 30th of July following, in the fifty-eighth year of his age. Perhaps no other man ever filled so many of the great departments in government. After being for some years a commissioner of the admiralty, he presided at that board for a short time, which he quitted to become secretary of state; he was afterwards first lord of the treasury, and chancellor of the exchequer. The naval department is much indebted to him for many wholesome rules, and the whole body of seamen for a very salutary law, which regulated the payment of their wages, and which put an end to many grievous frauds and abuses which used to attend such payments. [31 George II.] The talents of this statesman were rather useful than splendid; better fitted to correct abuses in the internal government of the state, than to conduct the affairs of a great empire, in situations peculiarly intricate. During Mr. Pitt's brilliant administration, Mr. George Grenville opposed the measures then pursued, altho' framed by the husband of his sister; but his laboured researches were constantly nullified, by the emanations of Mr. Pitt's*

(From Ap. 1770, to June 1773.)

The "Glass, and Paper duty bill [of 1767] being repealed, in April this year (with the exception of "Tea,") which the opponents of British taxation imagined would terminate all further views to fasten a *revenue* system on the colonies; a state of comparative repose seemed to pervade the country until the *Spring* of 1773; when the infatuated councils of England, were induced to *revive* the plan of an impost system in America: yet the interval, was far from one of contentment, entirely calculated to bring about an oblivion of the past, by the healing acts of government on the part of the mother country, on the one side, or submission on the part of the provinces, to those usual and inevitable burdens, which directly or indirectly, and in every possible way, must be borne, by a people in the relation of colonies, to a European maritime and naval power.

What were even admitted as constitutional, and rightful acts of legislation, in the British Parliament, went the whole length, theoretically, and practically, of retaining the people on this side of the Atlantick, in a condition of interminable vassalage, and impoverishment.

A *colonial* system, may be suitable to embrace the interests, and even be made advantageous to small insular, and defenceless possessions, such as the tropical Islands, confined to the growth of cane, coffee, and a few other articles produced by the labour of slaves; and which the parent country, from commercial and maritime policy, finds it useful to protect and retain.

But the North American provinces were in themselves an empire, capable of self-protection and self-government; and in the possession of all which England herself possessed, and more.

Her arts, knowledge, and liberty; the free principles of her constitution, and the inestimable benefits of their practical application, by means of her judicial system and common law, were universally understood and enjoyed; *self-government*, alone, was wanting.

These provinces were also commercial, active in the pursuit of gain, and restive under restraints, not of their own creation nor for their own benefit; the people were bred up in the highest notions of constitutional British liberty: and the leading men, in every colony, well qualified and well inclined, from their education, professions, and principles, no less than from the disgust which was felt from personal degradation, to seize on every objection, and to oppose every measure of England which could lessen her influence, or defeat the too evident designs of making the colonies mere tributaries, and passive subjects of rapacity and power.

This state of things must necessarily have produced a disruption; it is not in the course of nature, nor even possible, for a great and *enlightened* people, bred up in the true spirit and knowledge of civil liberty, widely separated from the parent government, and without a share in its councils, or a common interest, long to remain in the disadvantageous condition of colonial dependence. This relation may continue longer, or shorter, according to the state of knowledge in the provinces; their numbers and external danger, or safety; but in the end, where the sweets of property are known, and a spirit of freedom exists; where education and knowledge are diffused, and the rights of men understood; the colonial condition must cease: the contest may be protracted, and in the end bloody; the event may some times appear doubtful; according to the means and strength of the dominant state; but where there exist, strength, valour, and inclination; independence, under the foregoing circumstances, is a final consequence: European colonial establishments of any extent, are, in consequence of the march of knowledge, hastening to an end.

enlightened mind. No orator ever more fully possessed the talent, of turning the edge of an antagonist's argument by a sportive rally, than this English Demosthenes: whilst he was leading minister in the house of Commons, Mr. Grenville opposed a measure, which was carrying thro' that house, by asking, where we should find men? where we should find money? where we should find ships? &c. In the midst of these interrogations, the minister arose from his seat, and with a dignified pleasantry exclaiming,

Tell me, gentle shepherd, where?

deliberately walked out of the house. In consequence of which incident, Mr. Grenville was known by the appellation of "the gentle shepherd" for many years. Mr. Pitt treated his brother-in-law as a dull systematick politician, whose attention was directed to minute objects, being incapable of forming a noble and comprehensive plan of policy. He represented him as coming with his dog's-eared statutes to a debate. Mr. Burke, some few years after, alluding to this remark, made by the oracle of the senate, talked of having studied 'till he had made dog's ears in the statute books.' The measures respecting the American colonies, which were adopted and carried into effect during Mr. Grenville's short administration, it is not our business to speak of here; let it suffice to say, that the integrity of his conduct, and his zeal to promote the welfare of his country, remain unimpeached." North's adm.

The preceding indications can never be equivocal; and a wise government, would rather facilitate the consummation, when it had become probable, and in so doing, lay the foundation of *federal* advantages, greater than those, which could be derived, even from a confirmed provincial subordination.

Doubtless, England might have profited by acting on this principle; and even as the event happened, it would not be a clear position to maintain, that our independence was a national misfortune to that kingdom: Increasing millions, the fruit of American toil, still flow into her exchequer, through the mart of her manufactures; instead of nourishing our own, and rendering us truly rich and independent.

In addition to these remarks, I insert here an "extract" from a British author, who will be quoted more at large directly; speaking on this subject, and at this very point of time, and on the consequence of enforcing the *revenue* system in the colonies, he thus prefaces his chapter.

"When the design of settling colonies in North America, first became a national object in the reign of James the first, the speculative politicians of that age raised many objections to the measure, and foretold, that after draining their mother country of inhabitants, those colonies would soon shake off her yoke, and erect an independent government in America. More than a century and a half had, however, elapsed, and neither of these predicted evils had been realized. Experience had shown, that the depopulation of Great Britain by emigrations to America, was not to be feared; and the apprehension of the colonies becoming independent states, seems at no time to have been entertained by government, before the conclusion of the peace with France and Spain in 1763. Notwithstanding which security, it was evident from the nature of things, that there certainly would come a time, when the northern continent of the new world, being overspread with a race of men, active, enterprising, and enthusiastically attached to freedom, would begin to consider restraints as oppressions. The colonists, influenced by that universal principle of self-love which actuates communities, as well as individuals, would, in process of time, recoil at the idea of that supremacy and inherent right of control, which the parent state claimed to itself in perpetuity.

"The establishment of parliamentary taxation in America, would appear to be nothing short, of holding their property by the courtesy of a British senate. As their strength and consequence should hereafter advance, such views of things would of course press upon them with greater weight. Thus, whenever their population should have trebled its present amount, that accession would lead them to disregard those prohibitions, which deprived them of the liberty to work up the materials which their earth yielded for the purposes of civil life; when risen so high in the scale of political consequence, they would certainly have thought it oppression in being prohibited, from manufacturing their own iron. The present race, of Americans did not openly complain, of the commercial restrictions which were laid upon them; but their immediate descendants yet unborn, if it had happened, that an uninterrupted course of prosperity, had nurtured them into a contempt of secondary importance, would have thought such burdens too grievous to be borne: at least the history of mankind will warrant such a supposition; for subordination can be expected only, from the weak to the strong. When such a revolt, should cause them to be upbraided with ingratitude to their parent state, they might have replied, 'we have enriched you by our commerce whilst we were your dependents, we will still continue to do so on the footing of friends and equals, but our state of minority is now past.'

An independent condition is always accompanied by an independent spirit. Even a colony of Frenchmen, in whose breasts allegiance to their king is the most active publick principle, when they grew sufficiently numerous and powerful to support themselves, would have looked to independence as their right.

"The nature of the government established in British America, and the conduct of our kings towards the colonies, has uniformly been such as to encourage, instead of checking an independent spirit. The general law of descent in the New England provinces, is an extension of that which is known among us by the title of gavel-kind, for the children equally share the patrimony, which effectually bars the acquisition, or at least the perpetuity of large fortunes, and greatly promotes a republican spirit.

"It has been asserted, that when a plan of taxation for America was proposed to Sir *Robert Walpole*, he rejected it, saying, 'let such measures be adopted by my successors, I never will undertake so intricate a business.' It is however certain, that his administration was the precise time, for introducing such a form of government, as should correct whatever had been found to be wrong, or too indulgent, in the charters; and for familiarizing the people to the *mode* of internal taxation, rather than to the burdens of it, which might have gradually increased in proportion to

their ability of bearing them. The more opulent and considerable *Americans* should have been enobled, and composed a legislative body in each province, to check the democratic tendency of the popular assemblies.

"In short, it required the most penetrating eye, the most determined hand, and the most enlightened head, to establish such a system of government among the rising colonies, as would secure their attachment and obedience throughout a series of ages; and the proper time for adopting these establishments was, when they were beginning to reckon their population by millions. To introduce a hierarchy, might be what the friends of perpetual subordination would rather have wished, than supposed practicable. Fifty years ago, address and management might have proved successful, in warping the natural disposition of the people in civil establishments, but in religious matters, the *Americans* were ever inflexible." (1)

I proceed with the *narrative*, after the repeal in *Ap.* 1770. of the "glass and paper act, &c."

The interval as before remarked, between 1770, and 1773, was far from one of entire satisfaction:—many acts still existed, which bore hard upon the colonies:—Their foreign trade was cut off, and their manufactures discountenanced; they could not build a ship, nor send a pound of tobacco, but to *England*.

Their governors, and executive and legislative *councils*, were appointed by the *crown*; the *courts of justice*, and all executive offices of any consequence, were filled at the nomination of the *king*, or his governors:—The *Revenue* law of 1764, (called the "sugar act,") was in full operation; and the "glass act" of 1767, was unrepealed, as to "tea"—though the stamp law which preceded, was abrogated; yet even that was accompanied with the offensive and insulting "declaratory act, of *British* legislative supremacy—in all cases *whatsoever*, over the colonies."

The act establishing in America, a *Board* of commissioners of the revenue, in 1767—the *Mutiny* act, for "quartering soldiers, at the expense of the *colony* where stationed," were in force; and that for "*Suspending* legislation in the province of *New York*" for non-compliance with it—all these were unrepealed, holding out fearful precedents; and there seemed to be no essential change made in the *temper* or disposition of England, towards the colonies.

Great Britain on the one hand, appeared to feel mortified and resentful from defeat, and foolishly meditating the continuance of a system, calculated to degrade and oppress the colonies; while they on the other hand, were far from satisfied with their successes, and looked forward to the painful necessity of further defences, against encroachments upon their rights and liberties.

The *following*, contains an account of the state of the country and principal events, from the repeal of the "glass" act, [*Ap.* 1770.] to *June* 1773; when an attempt was made to enforce the duty on *tea*; which ended in a civil war, and independence.

"In the middle and southern colonies, the irritation against the mother country appears to have subsided in a considerable degree; (2) and no disposition was manifested, to extend their opposition further than to defeat the collection of the revenue, by entirely preventing the importation of *tea*. Their attention was a good deal taken up by an insurrection in *North Carolina*, where a number of ignorant people, supposing themselves to be aggrieved by the fee bill, rose in arms for the purpose of shutting up the courts of justice, destroying all officers of government, and all lawyers, and of prostrating government itself. Governor *Tryon* marched against them, and having, in a decisive battle, totally defeated them, the insurrection was quelled, and order restored.

"In *Massachusetts*, where very high opinions of *American* rights had long been imbibed; and where the doctrine, that the *British* parliament could not rightfully legislate for the Americans, was already maintained as a corollary, from the proposition that the *British* parliament could not tax them; a gloomy discontent with the existing state of things was every where manifested. That the spirit of opposition lately excited, seemed expiring, without having established on a secure and solid basis the rights they claimed, excited, in the bosoms of that inflexible people, apprehensions of a much more serious nature than would have been created by any conflict with which they could be threatened. This temper displayed itself in all their proceedings. The legislature had been removed from *Boston*, its usual place of sitting, to *Cambridge*, where the governor still continued to convene them. They remonstrated against this, as an intolerable grievance, and for two sessions refused to do business. In one of these remonstrances, they insisted on the right

(1) *North's adm.* (2) *After the repeal of the "glass and paper act" &c.*

of the people to appeal to Heaven in disputes between them and persons in power, when those in power shall abuse it.

This was *July 25*, upon which, Lt. governor *Hutchinson*(1) immediately prorogued them.

[*Sep. 26.*] They met a third time; when the Lt. governor informed them, that his majesty had ordered the provincial garrison in the castle to be withdrawn, and regular troops to succeed them. This they declared to be so essential an alteration of their constitution, as justly to alarm a free people.

[*Oct. 9.*] Finding it impossible to prevail with Mr. *Hutchinson*, to remove their sitting from Cambridge, they resolved to proceed to business, *protesting* against the restraint they were held under, to do it out of Boston.

[*Nov. 6.*] They resolved that, the merchants having receded from their non-importation agreement, &c. they would discourage prodigality, extravagance, and the use of foreign superfluities; and promote industry, frugality, and their own manufactures, in the towns they represented.

"From the commencement of the contest, *Massachusetts* appears to have deeply felt the importance, of uniting all the colonies in one system of measures; and, in pursuance of this favourite idea, a committee of *correspondence* was at this session elected, to communicate with such committees as might be appointed by other colonies. Similar committees were soon afterwards chosen by the different towns throughout the province, for the purpose of corresponding with each other, and of expressing, in some degree officially, the sentiments of the people. Their reciprocal communications were well calculated, to keep up the spirit which was general through the colony. The example was afterwards followed by other colonies, and the utility of this institution became apparent, when a more active opposition was rendered necessary.

"An account of the origin of these committees and of their mode of proceeding, is thus given by Mr. *Gordon*, and is not unworthy of attention.

"Governor *Hutchinson* and his adherents, having been used to represent the party in opposition, as only an uneasy factious few in *Boston*, while the body of the people were quite contented; Mr. *Samuel Adams* was thereby induced to visit Mr. *James Warren*, of *Plymouth*. After conversing upon the subject, the latter proposed to originate and establish committees of correspondence in the several towns of the colony, in order to learn the strength of the friends to the rights of the continent, and to unite and increase their force. Mr. *Samuel Adams* returned to *Boston*, pleased with the proposal, and communicated the same to his confidants. Some doubted whether the measure would prosper, and dreaded a disappointment, which might injure the cause of liberty—But it was concluded to proceed. The prime managers were about six in number, each of whom, when separate, headed a division; the several individuals of which, collected and led distinct subdivisions. In this manner the political engine has been constructed—The different parts are not equally good and operative—Like other bodies, its composition includes numbers who act mechanically, as they are pressed this way or that way by those who judge for them; and divers of the wicked, fitted for evil practices, when the adoption of them is thought necessary to particular purposes, and a part of whose creed it is, that in political matters the publick good is above every other consideration, and that all rules of morality when in competition with it, may be safely dispensed with. When any important transaction is to be brought forward, it is thoroughly considered by the prime managers. If they approve, each communicates it to his own division; from thence, if adopted, it passes to the several subdivisions, which form a general meeting in order to canvass the business. The prime managers being known only by few to be the promoters of it, are desired to be present at the debate, that they may give their opinion when it closes. If they observe that the collected body is, in general, strongly against the measure they wish to have carried, they declare it to be improper: is it opposed by great numbers, but not warmly, they advise to a re-consideration at another meeting, and prepare for its being then

(1) It should have been observed, that Sir Francis Bernard, who had been governor of *Massachusetts* many years, was made a baronet in March 1769, and recalled, which was signified by him to the assembly in June: it was not understood, for any reason, but to give an account of the government, &c. Before however he prorogued the assembly, they embraced the occasion, to draw up a petition to his majesty, in which after many complaints of him, they "intreat his majesty, that he might forever be removed from the province." He sailed for England in August: Mr. *Hutchinson*, from that time, acted as Lt. governor, until the beginning of the Spring of 1771, when he was appointed governor, and continued so, till gen. Gage superseded him in the Spring of 1774: These particulars are mentioned, as by inadvertency, he is sometimes called the "governor," in the history of the times, before he was so.

adopted : if the opposition is not considerable, either in number or weight of persons, they give their reasons, and then recommend the adoption of the measure. The principal actors are determined on securing the liberties of their country, or perishing in the attempt."

[1771.] In this year, no incidents, important, and immediately connected with the subject of this account, took place. The following are recorded.

[Ap. 3.] The Massachusetts assembly met again in their spring session ; when Mr. *Hutchinson* informed them of his appointment as captain *general* &c. The *council* presented a congratulatory address : but the assembly negatived a motion for one from that house ; and requested again to be removed to *Boston*, which was refused.

[May 29.] The new legislature met again at *Cambridge*.

When the *tax* bill came before the governor, he informed the house, that he was forbidden by his majesty to assent to a bill, which subjects the officers of the crown to be taxed, for the profits of their commissions.

[July 4.] "The house by message, expressed their surprise and alarm, at the reason assigned for his not assenting to the tax-bill, and said, "We know of no commissioners of his majesty's customs, nor of any revenue his majesty has a right to establish in *North America*. We know and feel a tribute levied and extorted from those, who, if they have property, have a right to the absolute disposal of it."(1)

[MAY, 1772.] "Although the governor, judges, and other high colonial officers, had been appointed by the crown, they had hitherto depended on the provincial legislatures for their salaries; and this dependence had always been highly valued, as giving to the colonies an important influence on their conduct. It has been already seen, how perseveringly this source of influence was maintained by *Massachusetts*, on a former occasion.(2) As a part of the new system, it had been determined, that the salaries of these officers should be fixed by the crown, and paid without the intervention of the legislature. This measure was adopted in relation to all the royal governments, and was communicated to the general court of *Massachusetts* [June 13.]

[July 10.] "A committee having been appointed, to consider the matter of the governor's support being provided for by the king, reported and observed, 'that the king's providing for the support of the governor, is a most dangerous innovation. It is a measure, whereby not only the right of the general assembly of this province is rescinded, but the highest indignity is thrown upon it. It is an infraction of the charter in a material point, whereby a most important trust is wrested out of the hands of the general assembly.' And the house the same day, declared, by a message to the governor, 'that the making provision for his excellency's support, independent of the grants and acts of the general assembly, and his excellency's receiving the same, is an infraction upon the rights of the inhabitants, granted by the royal charter.'"(3)

"The news of his majesty's granting salaries to the justices of the superiour court, afforded a fair opportunity for executing the plan, of establishing committees of correspondence through the colony. The most spirited pieces were published, and an alarm spread, that the granting such salaries, tended rapidly to complete the system of their slavery.

"[Nov. 2.] 'A town meeting was called, and a committee of correspondence appointed, to write circular letters to all the towns in the province, and to induce them to unite in measures. The committee made a report, containing several resolutions contradictory to the supremacy of the British legislature. After setting forth, that all men have a right to remain in a state of nature as long as they please, they proceed to a report upon the natural rights of the colonists, as men, christians, and subjects; and then form a list of infringements and violations of their rights. They enumerate, and dwell upon the British parliament's having assumed the power of legislation for the colonies, in all cases whatsoever—the appointment of a number of new officers to superintend the revenues—the granting of salaries out of the American revenue, to the governor, the judges of the superiour court, the king's attorney and solicitor general. The report was accepted, copies printed, and six hundred circulated through the towns and districts of the province, with a pathetick letter addressed to the inhabitants, who were called upon not to doze any longer, or sit supinely in indifference, while the iron hand of oppression was daily tearing the choicest fruits, from the fair tree of liberty.

On this occasion, the country teemed again with publications of the most inflammatory aspect ; powerfully calculated to excite enmity to British measures, and raise a belief, that ministers and parliament, aimed at absolute despotism, over the lives and fortunes of the *Americans*.

(1) *Gord.*

(2) *Ante* 34.

(3) *Marsh.*

The following may serve as a specimen, of the publick temper on this particular subject :

"At a *meeting* of the freeholders, and other inhabitants of the town of *Petersham*, in the county of *Worcester*, duly assembled according to law, held by adjournment; the committee chosen on the 30th Nov. made the following report, viz.

"The town having received a circular letter from the town of *Boston*, respecting the present grievances and abominable oppressions under which this country groans, have thereupon taken into their most serious consideration, the present policy of the British government and administration, with regard to *Great Britain* and these colonies; have carefully reviewed the mode of election, and the quality of the electors of the commons of that island; and have also attentively reflected upon the enormous and growing influence of the crown, and that bane of all free states, a standing army in the time of peace; and in consequence thereof, are fully confirmed in opinion, that the ancient rights of the nation are capitally invaded, and the greatest part of the most precious and established liberties of *Englishmen* utterly destroyed: And whereas the parliament of *Great Britain*, by various statutes and acts, have unrighteously distressed our trade, denied and precluded us from setting up and carrying on manufactures, highly beneficial to the inhabitants of these territories; restricted and prevented our lawful intercourse and commerce with other states and kingdoms; have also made laws and institutions touching life and limb, in disinherison of the ancient common law of the land; and moreover have, in these latter times, robbed and plundered, the honest and laborious inhabitants of this extensive continent of their property, by mere force and power; and are now draining this people of the fruits of their toil, by thus raising a revenue from them, against the natural rights of man, and in open violation of the laws of God.

"This town, in union with the worthy inhabitants of *Boston*, now think it their indispensable duty, to consider of the premises, and the present aspect of the times, and to take such steps as, upon mature deliberation, are judged right and expedient; whereupon,

"RESOLVED, That with a governor appointed from Great Britain (especially at this day) during pleasure, with a large stipend, dependent upon the will of the crown, and controlled by instructions from a British minister of state, with a council subject to the negative of such a governor, and with all officers, civil and military, subject to his appointment or consent, with a castle in the hands of a standing army, stationed in the very bowels of the land; and that amazing number of placemen and dependants, with which every maritime town already swarms; no people can ever be truly virtuous, free, or brave.

"RESOLVED, That the parliament of Great Britain, usurping and exercising a legislative authority over, and extorting an unrighteous revenue from these colonies, is against all divine and human laws. The late appointment of salaries to be paid to our superiour court judges, whose creation, pay, and commission, depend on mere will and pleasure; completes a system of bondage, equal to any ever fabricated by the combined efforts, of the ingenuity, malice, fraud, and wickedness of man.

"RESOLVED, That it is the opinion of this town, that a despotick, arbitrary government, is the kingdom of this world, as set forth in the New-Testament, and is diametrically opposite to the establishment of christianity in a society, and has a direct tendency to sink a people into a profound state of ignorance and irreligion; and that, if we have an eye to our own and posterity's happiness, (not only in this world, but the world to come,) it is our duty to oppose such a government:

"And further RESOLVED, That the depriving the colonies of their constitutional rights, may be fitly compared to the dismembering the natural body, which will soon affect the heart; and it would be nothing unexpected for us to hear, that those very persons who have been so active in robbing the colonies of their constitutional rights, have also delivered up the constitution of our mother country, into the hands of our king:

"Therefore RESOLVED, That it is the first and highest social duty of this people, to consider of, and seek ways and means, for a speedy redress of these mighty grievances and intolerable wrongs; and that for the obtaining this end, this people are warranted, by the laws of God and nature, in the use of every rightful art and energy of policy, stratagem and force."(1)

In this year, another act of parliament created extreme abhorrence, and was made use of, further to incense the people against *England*: In *June*, the *Gaspee* armed government schooner, which had been very active in suppressing smugglers, and supporting the "sugar" revenue act of 1764, was burnt, by a party of "associates," from the town of *Providence*, in *Rhode-Island*; certainly in a most lawless manner.

In consequence of this outrage, an act of parliament was passed "for the better securing his majesty's dock yards, ships, ammunition, and stores."⁽¹⁾ It enacted, "that any person, who should willfully set on fire, burn, or destroy, or *aid*, or *assist* in so doing, any of his majesty's vessels of war afloat, or building in any of his majesty's dock yards, arsenals, magazines, &c. or any buildings, timber, or *materials* there placed, or any naval, military, or victualling *stores*, and being convicted, should suffer death; and that any person committing the offences, *out of* the realm, might be indicted, and tried within any shire, or county of the realm, or in such island, country, or place where committed, as his majesty, his heirs, or successors, might deem most *expedient, &c.*"

This act was known to be predicated on the affair of the *Gaspee*; and though it wears the appearance of a general law, and on British principles of penal legislation, might seem unobjectionable, yet it was deemed a branch of the revenue *system*, intended to deter the people from opposition, by fear of transportation for trial, and death.

It is obvious, that nothing could seem more shocking in precedent or principle, than a power vested in *ministers*, to transport for *trial* to *England*; or to any part of any other island, or place, where committed, persons who might be *charged* with destroying the king's magazines, victuals, or *stores*: a pound of gunpowder, a boats oar, a barrel of tar, or pork, might be a pretext for transportation and death: There was no telling who among the Americans, in their animated opposition to the revenue laws, where some injury had been done by the populace, might not be deemed "aiders and abettors," or subject at least to transportation, on such allegation.

[1773.] "ABOUT this time a discovery was made, which very greatly increased the ill temper already so prevalent throughout *New England*. Doctor *Franklin*, the agent for several of the colonies, and among others for *Massachusetts*, by some unknown means, obtained possession of the letters which had been addressed by governor *Hutchinson*, and by lieutenant governor *Oliver* to the department of state. These letters, many of which were private, he transmitted to the general court. They were obviously designed, and well calculated to induce a perseverance on the part of government, in the system which had so greatly tended to alienate the affections of the colonies. The opposition was represented to be confined to a few factious turbulent men, whose conduct was by no means generally approved, and who had been emboldened by the weakness of the means used to restrain them. More vigorous measures were recommended, and several specific propositions peculiarly offensive to the colony, were made, among which the alteration of their charters, and the rendering the high officers dependent solely on the crown for their salaries.

[June 16] "Inflamed by these letters, the assembly unanimously resolved, 'that their tendency and design was to overthrow the constitution of the government, and to introduce arbitrary power into the province.' At the same time, a petition to the king was voted, praying him to remove governor *Hutchinson*, and lieutenant governor *Oliver*, forever, from the government of the colony. This petition was transmitted to doctor *Franklin*, and laid before the king in council, where it was heard; and in a few days the lords of the council reported, 'that the petition in question was founded upon false and erroneous allegations, and that the same is groundless, vexatious, and scandalous, and calculated only for the seditious purposes of keeping up a spirit of clamour and discontent in the provinces.' This report, his majesty was pleased to approve.

"Governor *Hutchinson*, however, was soon afterwards removed, and general *Gage* appointed to succeed him."⁽²⁾

IN this state of the publick mind, and yet smarting under the recollection of the "stamp act" the "glass, paper, and tea act," and many existing grievances, the British *cabinet* in the beginning of this year adopted a measure, which became the immediate cause of the civil war. I mean the attempt to reinstate the *revenue* scheme, by enforcing the "tea duty," under the act of 1767.

It has been seen, that this act, laying duties on "glass, painters colours, paper, and tea," had after a continuance of nearly 3 years, been repealed [*Ap.* 12. 1770,] excepting in the article of "tea" on which 3*d* a *lb.* was to be paid on importation.

It was now, after this long interval since the repeal, that the British ministry, were induced to revert to the policy of colonial taxation, and to try their strength on this reserved commodity. Although the law was in force as to that, during all this time, yet in fact it was a dead letter,

(1) *XI. Stats.* 402. 12 *Geo.* 3. c. 24.—1772.

(2) *Marsh.*

none dared to import, or vend *tea* openly; so strictly were the non-importation agreements in this particular adhered to; what crept into use was smuggled, and the custom house officers dared not interfere.

A general belief had grown up, that no attempt would ever be made to execute the act, and that the *direct* revenue plan, from the colonies, beyond what existed under the "sugar act" [of 1764,] had been abandoned.

The earl of *Hillsborough*, in his circular letter to the different *governors*, in 1769, previous to the repeal of the "glass" act, as has been seen, expressly stated to them, "that it was the intention of his majesty's ministers, to propose at the next session, taking off the duties on "glass, paper, and painters colours;" and assuring them, that at no time had they entertained the design, to propose to parliament, to lay any *further* taxes on America, for the purpose of raising a *revenue*."

This was communicated to all the legislatures, at his request.

It is certainly true, that the enforcement of the "tea" duty, was not in terms nor in law, relinquished, and in this respect the promise was not violated: yet was only "kept to the ear, but broken to the sense;" for it was understood, as a mere *salvo*, to the pride of the British nation and its authority, but never to be acted upon.

So much was the publick alarm lulled, on this cardinal question, that the leading opposers of parliamentary measures, especially in Massachusetts, and who entertained settled resentments for the past, as well as fears of the future; began to apprehend, that the colonies would soon cease to be sufficiently alive to *other* grievances, and a common resolution to withstand other encroachments.

It was in this state of things, as before observed, that at the commencement of the present year, the British *cabinet* opened again the fatal question of *direct* taxation. And this too, under a full knowledge of the people and parliament of England, of the *settled* determination of the Americans, "not to be *taxed*" without their consent.

The parliament which was induced to revive the controversy, was elected in 1768: most of the colonial measures, in hostility to this claim, had passed under their particular notice.

The "glass, paper, and tea" bill, though enacted by the preceding parliament, had encountered all its opposition, in America, in the time of this, which begun its first session in *May*, 1768, and itself repealed the act (except as to *tea*), in *Ap.* 1770.

This parliament was now in its 6th session, which begun *Nov.* 26. 1772, and stood adjourned to this year, when the *East India* co. "Tea bill" directly to be mentioned, was introduced into the house of commons, by *ld. North*.

[*June.*] By this it was enacted, "that the whole of the duties payable on *teas*, sold by the *East India* Co. and exported to the colonies in America, should be *drawn back*;" or in other words, that teas exported to the colonies should pay no duty. (1)

Previous to this, they paid an export duty, of about 12*d.* *per lb.* which of course was repaid to the exporters, by the purchasers and consumers in the colonies; in reality, a tax to that amount.

By this same act, the *Company itself* was allowed to export their own teas, direct to the colonies, upon a licence obtained from the crown, (which was of course) and a certificate, that at least 10 millions of pounds remained in their warehouses beyond the exported quantity: whereas all commodities belonging to the Company, by their charter, must be sold in their warehouses in lots, at publick auction and by wholesale; they are not permitted to export *East India* goods, or to trade or sell otherwise, than at the warehouse, and by wholesale.

It was, doubtless, conceived, that the drawback of 12 cents a pound, by which their teas must come to the Americans so much cheaper, would reconcile them to the duty of 3*d.* *per lb.* as in fact, the consumer in the colonies would then receive his tea, at 9*d.* *per lb.* less than he did before, when the duty was first paid in England, by the *exporter*.

(1) *XI. Stats.* 725. 13. *Geo.* 3. c. 44. Anno. 1773 on introducing this bill, *ld. North* proposed that "the house should allow the Company to export such part of the tea at present in their warehouses, as they should think proper, to British America, duty free. He represented such a permission as highly beneficial to the Company, who had seventeen millions of pounds weight of that commodity in their hands." *North's Admn.* 114. 15. It passed in June, 1773. and the session closed, July 1. 1773. after which the "tea ships," were immediately sent out to different ports in America.

It was presumed also, that the *Company*, being their own exporters, and sending out a great quantity in a few ships, freighted by themselves; the officers of the customs, could have no difficulty in collecting the duty, as the consignees of the *Co.* would voluntarily pay; and the masters of their own ships, avoid all attempts to smuggle or evade.

These were the false calculations, both of ministers and the company: The first expected, by this side measure, (making use of a great company as the instrument) to "put in use" the *revenue* law of 1767, and thereby fix a *precedent*.

The *tea owners* on the other hand, thought a *bonus* of 9d *per lb* on *tea*, would be sufficient to bribe the colonies, to forget all their highminded notions of property, and abhorrence of parliamentary taxation; and submit in fact, to this same act of 1767, which they had forced England to repeal substantially, on this very *principle*.

It is perfectly evident, the object of ministers was, merely to establish the impost system upon the Americans; for in this particular arrangement, the English revenue, which before received a net duty on the export of 12d. sterling a pound, would now, even if successful in the collection in America, receive but 3d. a lb. and subject to an increased expence of collection; occasioning a loss of 9d. on many millions of pounds, which were annually consumed in America, before they began to make it a subject of colonial taxation on the import.

From June, 1773, to Sep. 1774.

Having brought the narrative relative to "taxation," to the passage of the "East India tea bill," in June, which, by reviving the collection of the "tea duty," lighted anew the flames of discontent and opposition, in the colonies, I proceed from this period, with an account of transactions to Sep. 1774, at which time, in consequence of opposition to the act in America, and the measures of parliament, grounded on that opposition, the controversy became irreconcilable, and the "*first congress*" met.

In the account of this period, I shall refer myself chiefly to the relation of a *British* writer, in a review of *Id. North's* administration: I do this, because it appears to me, *generally*, to present a statement of facts, sufficiently ample and correct, for the purpose of this compilation; and in many respects, supplies what is wanting in other books, especially in its summary of *debates* in the British parliament, on the important bills which passed in the beginning of the year 1774, in consequence of the proceedings at *Boston* and other places, relative to the "tea ships," upon their arrival in *Dec.* 1773. (1)

It will be remembered, the parliament which passed the act of June in this year, was prorogued in July: They met again in session Jan. 13, 1774, (after the destruction of the tea,) and the writer is reviewing the acts of this last session, but commences (as is observed in the note below) with some general remarks on American affairs, as far back as 1770, in order that the ministers' strong bills, passed in the session of 1774, in consequence of the opposition at Boston and other places, in regard to the "tea" in *Decem.* preceding, might be better understood.

I extract from him what follows.

"The period at which we are now arrived, is the meridian splendour of Lord *North's* ministry; his conquests in the east (2) were as extensive as those of Alexander, and effected with

(1) *Although I have adopted this account, great care has been taken to supply dates, and in particular, to add to and correct many omissions and deficiencies, in reference to the statutes, and particular facts.*

And I may here mention, once for all, that it has been no small labour, to effect this, throughout the whole of the period comprised in these notes; and I cannot but flatter myself, whatever yet remains imperfect, and though I may have fallen into some errors, the particular chronology of events, and references to the statute book, will be found in no small degree improved.

The inaccuracy, and even omission of dates, is wonderful, tending much to mislead or leave the reader doubtful; these I have endeavoured to ascertain by various readings: in regard to the statutes, they are most imperfectly stated; I have gone over the whole and supplied what was wanting, sometimes in a note, and at others in the text, and have given the volume, the year, and even the day, when the act passed; a thing not easily found out.

In taking the account between June 1773, when the "India tea bill" passed, to Sep 1774, from this author, it will be discovered there is some repetition; He commences with 1770, in his observations on American affairs, and of course, between that and June 1773, when the "India tea act" passed, refers to subjects which has before been treated of, but he is very brief on these, and soon comes to the point of time, viz. June 1773, to which my preceding notes have brought the narrative.

(2) *Alluding to his famous "East India Government" bill, passed in June 1773, after great opposition.*

no less rapidly; but then he needed not, like that monarch, to weep that he had no other world to conquer: the western hemisphere opened to his view a prospect, different indeed, but not less extensive, and equally demanding the abilities of a great minister. A controlling power, over two such extensive, rich, fruitful, and populous territories as Hindostan and North America, conveys a stupendous idea of human authority and power, which no other country ever possessed, and which no other minister ever exercised.

"The points to be attained in the different countries, were as opposite as the climate which prevailed in each. In the East-Indies the object was, to repress a spirit of rapacity, oppression, and tyranny, which led men in power to violate the rights of humanity without remorse or limitation; in the western region, the professed purpose was, to check and repress an exuberance of freedom, proceeding from active industry, unassuming equality, and general happiness. We have already seen the conduct pursued towards our eastern possessions, it remains that we now speak of the other section of the globe.

"The colonies and mother country presented at this time, in strong opposition, the lineaments of their different ages. Great Britain, grown old in prosperity—become wealthy, proud, assuming—impatient of every restraint, or of the slightest contravention of her mandates; but at the same time, improvident and lavish—an apostate from those principles to which she had been habitually attached—indifferent to the welfare of others—mistaken in what constituted her own.

"America, on the other hand, rising in all the vigour of advancing maturity, without specie, but rich in the products of a genial soil, the labours of a hardy race of seamen, and a growing commerce. The want of the precious metals, though attended with some inconveniencies, contributed greatly to fix the character and manners of the people. It served to place happiness rather in what was to be enjoyed, than in what was to be amassed. Avarice appeared in all its deformity, in the eyes of a people who had no titled greatness to aspire to, and with whom, honest industry was a security against extreme necessity. In such a country, and in such an age, a man possessing a philosophick and reflecting mind would wish to live; and there have been times, in which it would have been considered as the glory and happiness of a prince, to reign over subjects so free, so increasing, and so happy, ere the science of finance gave oppression a new form. But America was much more at her ease than England, and she must be brought to contribute a reasonable proportion to the necessities of the present state, whence originated the beloved idea of subjecting America to internal taxation. Her population too, increased in a more rapid degree than any other country had been known to do.

"According to estimates made, which have never been controverted, some of the North American Colonies double their inhabitants in sixteen years; whilst the population of the British Isles, is not supposed to be on the advance. From hence it was self-evident, that the colonies in a much shorter time than fifty years, would be equal in population to the mother-country, perhaps much more populous; and when arrived at such an height, what probability was there that the present subordination would continue?

"So long ago as the year 1733, an act was passed, (1) which laid certain duties on all foreign spirits, molasses, and sugars imported into the plantations; these imposts were submitted to, and the distinction between commercial regulations and internal taxation was not dwelt on, until the fatal introduction of the stamp-act; which, upon every principle of national interest, without considering the question of legal right, or the expediency of exerting the power, should either have been inflexibly adhered to, or that kind of taxation abandoned for ever. The evil genius of this country, caused neither the one nor the other to happen. The stamp act (2) was repealed, and a duty was laid upon teas, and various other articles imported into America. (3) This was no more an internal tax than the former one on sugars; indeed, the duties last levied were on merchandize from Great Britain, the others on foreign products; but the Americans chose so to consider it, and many other causes of discontent prevailed.

"Had Great Britain at that time, been distinguished for publick spirit, love of liberty, and scrupulous attention to a rigid œconomy in the expenditure of publick money, the effects of which

(1) 6 Geo. 2. *It will be remembered, this act was continued by the act of 5th Ap. 1764, which last act then took the name of the "sugar act;" and in fact, was the first direct revenue bill, laying duties on many articles, and for the avowed purpose of taxing the colonies. See p. 16. ante.*

(2) Passed, Mar. 1765. See p. 19. &c. repealed, Mar. 1766. (3) Passed, June 1767. See p. 27. &c. repealed, Ap. 1770, in part.

appeared in seizing every proper means of reducing the national debt; and had the Americans been called upon by an administration pursuing such views, to contribute to such a purpose; their feelings would not have revolted from the demand. Indeed, they did not dispute the propriety of the mother country making a requisition, they only asked to be permitted to raise the contribution by acts of their own assemblies. Had such a mode been assented to here, the opposite extremities of the Atlantick would have been united in one common cause, and the British constitution would have grown permanent, even from age itself. Mutual confidence, could alone build up such a fabrick: for although the two countries were united by common ancestry; by participating in the same free constitution of government; by professing the tenets of protestantism; by commercial and friendly intercourse, and the exchange of reciprocal benefits; yet they were separated by an ocean of three thousand miles expanse, which, whilst it promoted that amicable commercial intercourse, created distinct interests in the two countries, which began to foment jealousies and mutual disgust. Each country reasoned according to the opinions most prevalent there, and every age has its leading sentiments.

"The one carried the principles of civil liberty and the natural rights of mankind, to a great height; the other was no less tenacious of the doctrine of subordination to the parent state, and submission to the regulations made by the legislature. Had the contest arisen half a century ago, many of the arguments which were urged on each side would not then have been produced. A government founded on the principles of freedom, could not possibly be brought into a more perplexing situation, than that into which the dispute with the colonies threw Great Britain. Perhaps no sovereign ever swayed the sceptre of these realms, that was any way equal to the object to be effected, except queen Elizabeth. That great princess, who came to the throne at a most critical period, knew how to accommodate herself to the temper of the times. She possessed all the soothing arts which are calculated to persuade, and knew as well, both when and how, to enforce obedience. She was served by some of the ablest statesmen that this country ever produced, and extended her views more into futurity, than any one of her successors, the great Nassau only excepted.

"A general dissatisfaction prevailed in America, (*in consequence of the act laying duties in 1764, and 1767,*) and agreements had been entered into, not to import any merchandize from Great Britain, which had greatly affected the commerce of this country, although these engagements were not strictly observed on the part of the Americans. Their governors, who were appointed by the crown, but paid by the people, were unanimous in their manner of representing the spirit of opposition which prevailed among the colonies. In each province, contentions between the governor and the house of representatives were frequent, and obstructed the publick business in every session.

"The New England provinces were the most forward in these disputes, and in the Massachusetts Bay, they arose to the greatest height. There, no terms had been kept for a considerable time between Sir *Francis Bernard*, the governor, and the assembly; whilst each charged the other with being the cause of the dissensions. In the year 1770, that gentleman was recalled, and Mr. *Thomas Hutchinson*, a native of America, and lieutenant-governor, succeeded him; whereupon Mr. *Andrew Oliver*, also by birth an American, who was secretary of the province, became lieutenant-governor. Some letters which were written by these gentlemen, to persons in power and office in England, in the years 1768 and 1769, happened to be procured by Dr. *Franklin*, who resided in London as agent for the house of representatives of the Massachusetts Bay, and were by him transmitted to Boston. (1)

"Many passages in these letters gave great offence to the Bostonians, particularly the following in one of governor Hutchinson's letters; 'I never think of the measures necessary for the peace and good order of the colonies, without pain. There must be an *abridgement of what are called English liberties*. I relieve myself by considering, that in a remove from the state of nature to the most perfect state of government, there must be a great restraint of natural liberty. I doubt whether it is possible to project a system of government, in which a colony three thousand miles distant from the parent state, shall enjoy all the liberty of the parent state. I am certain I have

(1) *The manner of his procuring them, gave rise to many conjectures, and some obloquy; but without any just reason, as might be presumed, and as a late development has evinced;—Mr. Hutchinson was a man of talents, and a politician; his "plan for a union of the colonies under a federal government," drawn up by him in 1754, but rejected by ministers as too popular, by leaving the power of taxation in the representatives of the people, is a very able production, and almost a prototype of the federal constitution of 1787. See ante 12, 13, &c.*

never yet seen the projection. I wish the good of the colony, when I wish to see *some farther restraint of liberty, rather than the connexion with the parent state should be broken*; for I am sure, such a breach must be the ruin of the colony.'

"Speaking of the combination of the American merchants, he says, 'But it is not possible that provision for dissolving these combinations, and subjecting all who do not renounce them to penalties adequate to the offence, should not be made, the first week the parliament meets. Certainly, all parties will unite in so extraordinary a case, if they never do in any other.'

"In consequence of the discovery of these letters, an address from the representatives of Massachusetts Bay to the king, was transmitted from Boston to their agent, and by him delivered to the American secretary, (*August, 1773.*) In it they petition his majesty to remove their governor and lieutenant-governor, whose conduct had a natural and efficacious tendency to interrupt and alienate the affections of his majesty, whom they style their rightful sovereign, from his loyal province, and to destroy all harmony and good-will between Great Britain and the colonies. They likewise charge their governor and his lieutenant, with having been among the chief instruments in introducing a fleet and an army into the province, to establish and perpetuate their plans. This address was afterwards laid before a committee of the privy council, who reported the charges in the petition to be groundless, vexatious and scandalous, and that the petition ought to be dismissed.

"It has been already observed, that an act of parliament was passed towards the close of the last session, [*June, 1773.*] enabling the East India company to export teas duty free. In consequence of which, the company resolved upon a mode of trade which they had never before adopted, and instead of disposing of their teas at publick sale, freighted several ships for the American colonies, on their own account, and appointed agents there for the disposal of their cargoes.

"Many strong reasons were urged against this measure. It could not be expected to afford the company any relief from their present embarrassments, as the returns would not be made expeditiously, nor perhaps punctually, even if the teas should find as good a market as the most strenuous adviser of the measure could expect. But if the excess of their stock of teas was disposed of at publick sale, the merchants would become purchasers to a very large amount, and the time of payment could, in that case, be ascertained. It was even calculated, that a sum of money might be raised by that means, sufficient to extricate the company from their difficulties. A gentleman distinguished for his abilities, and who was well acquainted with the disposition of the Americans, as well as the interests of the company, (*gov. Johnstone,*) told the chairman, that the company were criminally absurd, because they were presenting themselves as the butt in the controversy, where they would probably come off with the loss of all their merchandize. However, it was the favourite plan of administration, that the company should become their own factors.

"Notwithstanding the colonies actually received their teas at 9d. a pound cheaper than they had formerly done, yet they were not thereby induced to purchase them. They said, that the East-India company were quitting their usual line of conduct, and wantonly becoming the instrument to give efficacy to an odious law. Throughout the colonies, the most violent opposition to the landing of the teas prevailed, and without any interchange of sentiment, every port-town along that extensive coast was actuated by the same spirit.

"When the *tea-ships* were expected to arrive, the agents appointed to receive them were compelled to renounce their engagements, and solemnly bind themselves not to act: the people delegated committees in different towns and provinces, to whom they gave the most extensive powers. Merchants were compelled to submit their books to the inspection of these regulators, who assumed the power of imposing tests, and inflicting punishments on such as opposed their proceedings. A custom-house officer, named *Malcolm*, was tarred and feathered, and in that manner led about the town of *Boston*. These violent measures were not confined to those places which had shown the most active disposition to contend with the mother-country, the more peaceable and orderly provinces, on this occasion, departed from their former principles, and became equally violent in opposing the landing of the teas.

[*December, 1773,*] "When three of the company's ships arrived at *Boston*, (1) the captains, alarmed at the spirit which prevailed among the people, offered to return to England, without landing their cargoes, if they could obtain the proper discharges from the tea-consignees, the custom-house and the governor: but though these officers would not venture to land the tea, yet they re-

(1) *The author here commences with the consequences of the tea act, of June in this year, to which period my notes had arrived.*

fused the captains a discharge, whilst their cargoes remained on board, for the delivery of which they were chartered by the company.

[Dec. 18.] "The night after the governor had given his refusal, a number of armed men, disguised like Mohawk Indians, went on board the ships, and, in less than four hours, emptied every chest of tea on board the ships, amounting to three hundred and forty-two, into the sea, without the least damage done to the ships, or any other property; which having done, they retired. It is remarkable, that the governor, the civil power, the garrison of Fort William, and the armed ships in the harbour, were totally inactive on this occasion.(1)

"At all the other American ports, where tea-ships arrived, the inhabitants obliged the captains to return without breaking bulk, (as the people of Boston were desirous of doing) except at Charleston in South Carolina, where the teas were landed and put into a damp cellar, whereby the whole became rotten and useless.(2)

"[Jan. 13, 1774.] His majesty opened the session of parliament with a speech from the throne, before the news of this outrage had arrived. In it he observed, that the state of foreign affairs afforded full leisure for the legislature, to attend to the improvement of our internal and domestick situation, and to the prosecution of such measures as more immediately respected, the preservation

(1) A letter was afterwards read in the house of commons, from col. Leslie, who commanded at Boston at that time, in which he said, that neither the governor, the council, nor any of the custom-house officers had applied to him for assistance. If they had, he could most certainly have put a stop to all the riots and violences, but not without blood-shed, firing upon the town, and killing some innocent people.

(2) It should be remembered, that at this time in most of the colonies, a regular corresponding committee was in commission. These committees were appointed, by the assemblies of the several provinces:—similar corresponding delegations, had been kept up during the periods of the "stamp and glass acts," &c. down to 1770. They were at the beginning of this year [1773,] and before any idea of the "India co. tea bill" existed, re-organized under a recommendation from the "house of burgesses of Virginia." In the beginning of March, this body appointed a committee of 11 persons, "'whose business it should be to obtain the most early and authentick intelligence of all such acts and resolutions of the British parliament, or proceedings of administration, as may relate to or affect the British colonies, and to keep up and maintain a correspondence and communication with their sister colonies.' They then resolved, 'That their speaker transmit to the speakers of the different assemblies their resolutions, to be laid before their assemblies, and requesting their appointing committees.'"

[May 28.] The Massachusetts assembly fully concurred in this measure, and after approving of the highly patriotick spirit, and independent foresight of Virginia, "appointed a committee of fifteen members, and directed them 'to prepare a circular letter to the speakers, requesting them to lay the same before their respective assemblies, in confidence, that they will comply with the wise and salutary resolves, of the house of burgesses of Virginia.'"

A minute account of proceedings in several sea ports, and in the country, after the bill passed, and the measures taken to effect the return, or destruction of the "tea ships," when they should arrive, may be found in 1 Gord. 216, et. seq.

The following summary of this transaction, is extracted from 2 Marsh. 153, &c.

"The crisis now approached; and the conduct of the colonies, in this precise point of time was, to determine, whether they would submit to be taxed by the British parliament, or meet the consequences of a practical application to their situation, of the opinions they had maintained. If the tea should be landed it would be sold, the duties would consequently be paid, and the precedent for taxing them established, the opposition to which would, it was feared, become every day less and less. The same sentiment on this subject, appears to have pervaded the whole continent at the same time. This ministerial plan of importation, was every where considered as a direct attack on the liberties of the people of America, which it was the duty of all to oppose. A violent ferment was every where excited; the corresponding committees were extremely active; and it was almost universally declared, that whoever should, directly or indirectly, countenance this dangerous invasion of their rights, was an enemy to his country. The consignees were generally compelled to relinquish their appointments; and in most instances, the ships bringing the tea, were obliged to return with it.

In Charleston, after much opposition, the tea was permitted to be landed, but was immediately lodged in damp cellars, where it long remained and was finally spoiled.

At Boston, the people in a meeting, adopted the spirited resolutions which had before been entered into in Philadelphia, and appointed a committee to wait on the consignees to request their resignation. This request not being complied with, another large meeting assembled at Faneuil hall, where it was voted with acclamations "that the tea shall not be landed, that no duty shall be paid, and that it shall be sent back in the same bottoms." With a foreboding of the probable consequences of the measure about to be adopted, and a wish that those consequences should be seriously contemplated, a leading member, Mr. Quincy, thus addressed the meeting.

"It is not, Mr. Moderator, the spirit that vapours within these walls, that must stand us in stead. The exertions of this day will call forth events, which will make a very different spirit necessary for our salvation. Whoever supposes, that shouts and hosannas will terminate

and advancement of the revenue and commerce of this kingdom : among these objects, the state of the gold coin was particularly recommended to the attention of parliament.

"The house sat near two months before any measures were taken concerning the affairs of America, notwithstanding the alarming advices which had been received from thence soon after its assembling. At length [March 7.] the premier delivered a message from his majesty, informing the house, 'that in consequence of the unwarrantable practices carried on in North America, and particularly of the violent and outrageous proceedings at the town and port of Boston, with a view of obstructing the commerce of this kingdom, and upon grounds and pretences immediately subversive of the constitution, it was thought fit to lay the whole matter before parliament; fully confiding, as well in their zeal for the maintenance of his majesty's authority, as in their attachment to the common interest and welfare of all his dominions; that they would not only enable him effectually to take such measures, as may be most likely to put an immediate stop to these disorders, but would also take into their most serious consideration, what farther regulations and permanent provisions may be necessary to be established, for better securing the execution of the laws, and the just dependence of the colonies upon the crown and parliament of Great Britain.'

"Immediately after the delivery of this message, upwards of one hundred papers respecting American affairs were brought up; they consisted of copies and extracts of letters from the differ-

the trials of the day, entertains a childish fancy. We must be grossly ignorant of the importance and value of the prize for which we contend; we must be equally ignorant of the power of those who have combined against us; we must be blind to that malice, inveteracy, and insatiable revenge, which actuate our enemies publick and private, abroad, and in our bosom, to hope that we shall end this controversy without the sharpest, sharpest conflicts—to flatter ourselves that popular resolves, popular harangues, popular acclamations, and popular vapour, will vanquish our foes. Let us consider the issue. Let us look to the end. Let us weigh and consider, before we advance to those measures, which must bring on the most trying and terrible struggle this country ever saw."

The question was again put, and passed without a negative.

Aware of the approaching danger, the captain of the vessel was desirous of returning, and applied to the governor for a clearance; he, affecting a rigid regard to the letter of his duty, declined giving one, unless the vessel should be properly qualified at the custom house. This answer being reported to the meeting, it was declared to be dissolved; and an immense crowd repaired to the quay, where a number of the most resolute, disguised like Mohawk Indians, boarded the vessels, and in about two hours, broke open three hundred and forty-two chests of tea, and discharged their contents into the ocean.

These proceedings of the colonists were laid before parliament, in a message from the crown, and a very high and general indignation was excited in that body, by the outrages stated to have been committed. They expressed, almost unanimously, their approbation of the measures adopted by his majesty, and gave the most explicit assurances, that they would not fail to exert every means in their power, effectually to provide for the due execution of the laws, and to secure the dependence of the colonies, upon the crown and parliament of Great Britain. The temper, both of the house and of the nation, was now entirely favourable to the high handed system of coercion proposed by ministers, and that temper was not permitted to pass away without being employed to advantage. A bill was soon brought in "for discontinuing the lading and shipping of goods, wares, and merchandizes, at Boston or the harbour thereof, and for the removal of the custom house with its dependencies, to the town of Salem." This bill was to continue in force, not only until compensation should be made to the East India company for the damage sustained, but until the king in council should declare himself satisfied, as to the restoration of peace and good order in the town. It passed both houses without a division, and almost without opposition.

Soon after this, a bill was brought in for better regulating the government of the province of Massachusetts Bay. By this act, the charter was totally subverted, and the nomination of councillors, and of all magistrates and officers, vested in the crown. The persons thus appointed, were to hold their offices during the royal pleasure. This bill also was carried through both houses by great majorities, but not without a vigorous opposition and an animated debate.

The next measure proposed was, a bill for the impartial administration of justice in the province of Massachusetts Bay. It provided "that in case any person should be indicted, in that province, for murder or any other capital offence, and it should appear by information given on oath to the governor, that the fact was committed in the exercise or aid of magistracy in suppressing riots, and that a fair trial could not be had in the province, he should send the person so indicted to any other colony, or to Great Britain, to be tried." This act was to continue in force four years, and was, as an English writer observes, the counterpart of the obsolete and tyrannical act of Henry VIII. lately revived, for the trial in Great Britain of treasons committed in America.

A bill was also passed for quartering soldiers on the inhabitants, and the system was completed by an act, for making more effectual, provision for the government of the province of Quebec. This bill extended the limits of that province, so as to include the territory between the Lakes, the Ohio, and the Mississippi; and, which was its most exceptionable feature, established a legislative council to be appointed by the crown.

ent magistrates and officers in America; the votes and resolutions of the inhabitants of Boston, with many other authentick documents.

[*March 14.*] "An address being returned to his majesty, strongly expressing the readiness of the house to comply with the purport of the royal message, the minister soon after moved for leave to bring in a bill, '*for the immediate removal of the officers concerned in the collection and management of his majesty's duties and customs, from the town of Boston, in the province of the Massachusetts Bay, in North America; and to discontinue the landing and discharging, lading and shipping of goods, wares and merchandize, at the said town of Boston, or within the harbour thereof.*' (1) His lordship entered into a justification of the governor's conduct, whom he described to have taken every method which discretion dictated, or good policy authorised, for the security of the East India company's property, the safety of the consignees, and the preserving of order and quiet in the town. The military force in the castle, and the ships of war in the harbour, might indeed have been called in to save the tea from destruction; but as the leading men in Boston had always made great complaints of the interposition of the army and navy, and charged all disturbances of every sort to their account; he, with great prudence and temperance, determined from the beginning to decline a measure, which would have been so irritating to the minds of the people; and might well have hoped, that by this confidence in their conduct, and trust reposed in the civil power, he should have calmed their turbulence, and preserved the publick tranquillity.

"He said, it was henceforth impossible for our commerce to be safe in the harbour of Boston, and it was highly necessary that some port should be found for the landing of our merchandize. That it was no new thing for a whole town to be fined, although thereby some few innocent individuals might suffer, when the authority of such a town had been, as it were, asleep and inactive. He instanced the city of London in king Charles II. time, when Dr. Lamb was killed by unknown persons, the city was fined for it; (2) and the case of Edinburgh, in Captain Porteous's affair, when a fine was set upon the whole city; and also at Glasgow, where the house of Mr. Campbell was pulled down, part of the revenue of the town was sequestered to make good the damage. Boston, he observed, was much more criminal than either of the three cities he had mentioned, for that town had been upwards of seven years in riot and confusion; all the disturbances in America, he said, had originated there.

"The lord-mayor of London, (Mr. Bull,) presented a petition of several natives and inhabitants of North America, then in London, which stated it to be an inviolable rule of natural justice, that no man should be condemned unheard; and that according to law, no person or persons can be judged without being called upon to answer, and being permitted to hear the evidence against them, and to make their defence. If judgment be immediately to follow an accusation against the people of America, supported by persons notoriously at enmity with them, the accused unacquainted with the charge, and from the nature of their situation utterly incapable of answering and defending themselves, every fence against false accusation will be pulled down.

"They asked, by what rule of justice can the town be punished for a civil injury, committed

(1) 12 Stat. 47. 14 Geo. 3. c. 19. it received the royal assent, March 31, 1774.

(2) The fine imposed was 6000l. His lordship herein committed an anachronism, it happened in the reign of Charles I. in the year 1628. Lamb, a creature of the duke of Buckingham, at the time when the house of Commons were framing a remonstrance to the throne against that favourite, and which occasioned the hasty prorogation of parliament, was set upon in the streets of London by the rabble, and so roughly beat, that he died of his bruises the next morning. In consequence of which, the Lord-mayor and aldermen were sent for to appear at the council table, and were there examined, and at first threatened that they should lose their charter, if they did not discover and deliver up, the principal agents in the uproar; however, the offence was afterwards expiated by a fine. Kennet, Echard, Hume, take no notice of this transaction.

Buckingham about two months after was stabbed at Portsmouth.

The propriety of adducing this instance of amercement, to justify a measure still more violent, although carried into execution, in an age when the rights of individuals, as well as of publick bodies, were fully ascertained, may be strongly objected to. It is authentically transmitted to us, that Sir Francis Seymour, a member of the house of Commons, not many days before this riot, had said in that assembly, when the supplies had been debated upon, "How can we speak of giving, till we know whether we have any thing to give; for if his majesty may be persuaded to take what he will, what need we give?" He then enumerated the arbitrary acts which had been exercised against the subject, and said, "To countenance these proceedings, hath it not been preached, in the pulpit, or rather prated, that all we have is the king's by divine right?" And Sir Robert Phillips on the same occasion, said, "The grievances by which we are oppressed, I draw under two heads; acts of power against law, and the judgment of lawyers against our liberty." Rushworth's Hist. Collections, Vol. I. Franklyn's Annals,

by persons not known to belong to it? The petitioners conceive that there is not an instance, even in the most arbitrary times, in which a city was punished by parliamentary authority without being heard, for a civil offence, not committed within their jurisdiction, and without redress having been sought at common law. The instance brought of the city of London, was for a murder committed within its walls, by its citizens, in open day : but in this case, arbitrary as the times were, the trial was publick ; in a court of common law, the party heard, and the law laid down by the judges. In the case of Edinburgh indeed, parliament did interpose : but this was to punish the commission of an atrocious murder, within her gates ; and aggravated by an overt act of high treason, in executing against the express will of the crown, the king's laws. Both these cities had by charter, the whole executive power within themselves ; and in both cases, full time was allowed them to discharge their duty, and they were heard in their defence. But neither has time been allowed in this case ; nor is the accused heard ; nor is Boston a walled town ; nor was the fact committed within it ; nor is the executive power in its hands, as it is in those of London and Edinburgh. On the contrary, the governor himself holds that power, and has been advised by his majesty's council to carry it into execution. If it has been neglected, he alone is answerable : and perhaps, the due course of law is operating there to the discovery and prosecution of the real offenders. The petition strongly insisted on the excessive rigour and injustice of the act, its tendency to alienate the affections of America from this country, and that her attachments cannot long survive the justice of Great Britain.

"The reply to the pleas urged in this petition was, that the case called for immediate redress ; it was unbecoming the dignity of parliament, to suffer chicane and subterfuge to evade the execution of substantial justice. It was asked, if the house doubted either the reality or degree of the offence, or of their own competency to inquire into and punish it? Lord North would not undertake to say, what would be the consequence or event of this measure, but he was strongly of opinion it would be salutary and effectual.

"Little opposition was shown to the bill at its introduction, but on its third reading, strong efforts were made to change the sentiments of the house.

"Governor Johnstone predicted to the house, that the effect of this bill must be, a general confederacy to resist the power of this country. He called it, irritating—tempting—nay, inviting men to those deeds by ineffectual expedients; the aberrations of an undecisive mind, incapable of comprehending the chain of consequences which must result from such a law. The question of taxing America, he said, was sufficiently nice to palliate resistance, if the subject had never been disputed in this country : but after the highest characters of the state had declared, against the right of this country to impose taxes on America, for the purpose of revenue ; after the general voice of the senate had concurred in repealing the stamp act upon that principle, there is so much mitigation to be pleaded in favour of the Americans from this circumstance, allowing them in an error at present, that it will be the height of cruelty to enforce contrary maxims with any degree of severity, at first, before due warning is given.

"It is in vain to say that Boston is more culpable than the other colonies. Sending the ships away, and obliging them to return to England, is a more solemn and deliberate act of resistance, than the outrage committed by persons in disguise, in the night, when the ships refused to depart. In extending this kind of punishment to the other colonies, every one must see the danger ; and yet, if it can be approved for one, the same arguments will apply to others. If a similar punishment were applied to the colony of Virginia, the revenue would be reduced 300,000*l.* a year, besides the loss of all foreign contracts, and perhaps, of that beneficial trade for ever. Those gentlemen, he continued, who are in the secrets of the cabinet, and know how assuredly every proposition from thence is adopted by this house, may be warranted in their sanguine acclamations in favour of this measure ; but the general mass, who must be equally ignorant with myself of what is to follow, can have no excuse for giving their assent so readily, for punishing their fellow subjects in so unprecedented a manner ; and their eager zeal serves only to show, how ready they are to obey the will of another, without exercising their own judgment in the case. My opinion is, that if coercive measures are to be adopted, an effectual force should be immediately carried into the heart of the colony resisting, to crush rebellion in the bud, before a general confederacy can be formed. For my own part, I am convinced from experience in the colonies, that good government may be maintained there, upon rational grounds, as well as in this country.

"That the power of restoring the port of Boston to its former rights, should be absolutely vested in the crown, was objected to. Is it necessary, it was asked, either for punishment of the Bostonians, or for satisfaction to the East-India company? Such a regulation could only be made, for

the purpose of establishing a precedent, of delivering over whole towns and communities to an arbitrary discretion in the crown. Until now, no precedent could be produced, of a maritime city being deprived of its port, and then left to the mercy of the crown, to restore the port or not, at pleasure.

"No division took place, and the bill was immediately carried to the lords.

"In the debate on this bill, Mr. Charles Fox appeared, for the first time, among the minority. In the course of this session, he had shown himself adverse to the opinions of the first lord of the treasury, and about the time when this bill began to be agitated, he quitted his seat at the treasury.

"In the house of lords, the earl of Shelburne took an active part in opposing the bill. He presented to that house, a similar petition to that which had been laid before the house of commons, from the natives of America, residing in and about London. The bill was supported by the lords Mansfield, Gower, Lyttleton, Weymouth, and Suffolk; and opposed by the dukes of Richmond and Manchester, the marquis of Rockingham, the lords Camden, Shelburne, and Stair. It passed the house the 30th of March, only five days after it was brought in, and received the royal assent the next day.

"The bill enacted, *"that from and after the 1st of June, 1774, it shall not be lawful for any person, to ship for exportation, to any county, province, or place whatsoever, goods from any quay, or wharf, within the town or harbour of Boston; nor are goods, wares, or merchandize, brought from any other country, province or place, to be landed there, under pain of the forfeiture of the said goods, and of the boat, lighter, or vessel, out of which they may be taken. When quay-men and others violate the act, to forfeit treble the value of the vessel and merchandize, &c. no person to prosecute for the forfeiture, but commissioned officers of the navy or customs, &c. and jurisdiction is given to the admiralty courts, &c. 14 days allowed to such ships or vessels as may happen to be in the harbour of Boston, on or before the 1st of June. When it shall be made to appear to his majesty in council, that peace and obedience to the laws shall be so far restored in the town of Boston, as that the trade of Great Britain may be safely carried on there, and the customs duly collected; if his majesty in council shall judge the same to be true, he may, by proclamation, or order of council, assign and appoint the extent, bounds, and limits of the port or harbour of Boston, and of every creek or haven within the same; and so many quays and wharves for the landing and shipping of goods as he shall judge fit and expedient, after which it shall again become a port. But this restoration of the privileges of the port of Boston, his majesty is not empowered to grant, until full satisfaction has been made to the East India company, by the inhabitants of Boston, for the damage sustained by the destruction of their goods; and to the officers of revenue and others, who suffered by the riots and insurrections, in the several months of November, December, and January."*

[Ap. 15.] "Whilst the Boston port bill was depending in the house of lords, the prime minister, in the other house, proceeded farther to develop the plan concerted by government for the subjugation of the refractory colonies, by moving for leave to bring in a bill '*relative to the Massachusetts Bay,*' and the house being resolved into a committee, his lordship introduced the bill, (1) by saying, 'that an executive power was much wanted in that province, and that it be-

(1) XII Stat. 84. 14 Geo. 3. c. 45. passed May 20, 1774.—*It recites the disturbances, &c. and the necessity of altering the charter, granted 3 of W. & M. to the colony, particularly that the governor's council, which by the charter, was to be chosen by the colonial assembly, ought to be appointed by his majesty's commission as in other colonies, &c. and then enacts, that after August 1st so much of the charter shall be revoked; and after that, the council shall be composed of such inhabitants of the colony, as his majesty by warrant, &c. with the advice of his privy council, shall appoint, not exceeding 36, nor less than 12—to hold their offices during his pleasure, &c.*

It also empowers after July 1st, his majesty's governor, to appoint and remove without the assent of council, all judges of the courts of common pleas, commissioners of oyer and terminer, attorney general, provosts, marshals, justices of the peace, and other officers, to the council or courts of justice belonging; and that all such newly appointed officers, shall hold and exercise their offices in like manner as under the charter of Wm. & Mary: but an exception against removal is made, in favour of appointments made before July 1.

Also after July 1st, it is provided that his majesty's governor may appoint sheriffs, and remove them, without the assent of council; as also on a vacancy after that day, to appoint the chief justice, and judges of the superior court.

It provides, that no town meeting shall be held, except the annual meeting for select men, but by leave of the governor:

That juries shall not be appointed by the freeholders, and summoned by constables as before, but by the sheriffs.

came highly necessary to strengthen the hands of magistracy there. The force of civil power consisted in the *posse' comitatus*, which was composed of the very people who had committed all the riots and outrages which had happened for many years past; so that the preservation of the peace, was not to be looked for from them; and if the democratick part show that contempt of the laws, how is the governor to execute any authority vested in him? He has not the power of appointing magistrates or of removing them; the council alone have that power, and they are dependent on the people. His lordship inferred from thence, that there was something radically wrong in that constitution. If the governor issued out a proclamation, there could hardly be found a magistrate to obey it, and it was necessary to have the concurrence of seven of the council, to give validity to an act of the governor. Where there is such a want of civil authority, can it be supposed that the military, be they ever so numerous, can be of the least service? For, continued his lordship, I shall always consider a military power, acting under the authority and control of a civil magistrate, as a part of the constitution; but the military alone, ought not to act, and cannot do so legally.¹

"He proposed by this bill, to take the executive power from the hands of the democratick part of the government in that province, and that the governor should act as a justice of peace, and that he should have the power to appoint the officers throughout the whole civil establishment; such as the sheriffs, provosts, marshals, &c. the chief justice and judges of the supreme court on a vacancy: all which officers should be removable by his majesty. Town meetings to be declared illegal, unless held by the special consent of the governor, upon the annual election of certain officers which it is the people's province to choose. He proposed to put juries upon a different footing, which regulation he acknowledged to have been suggested by lord George Germaine. These regulations he apprehended, would effectually purge that constitution of all its crudities, and give strength and spirit to the civil magistracy, and to the executive power.(1)

[Ap. 19.] "With a view to qualify these severe acts, some members in the house of commons, who had assented to the Boston port bill, particularly Mr. *Rose Fuller* and the Hon. *Col. Phipps*, were of opinion, that something of a conciliatory and redressing nature should accompany them, as a probable means of rendering them efficacious. The advocates for such a measure pleaded, that parliament, whilst it resented the outrages of the American populace, ought not to show a disposition to irritate the orderly and well affected part of the colonies. That if such had satisfaction in the matter of taxes, they would become instrumental in restraining the inferiour and more turbulent from outrages; and this sacrifice to peace would be at very little expense, as the produce of the tax was of no importance to Great Britain. Such arguments were meant to pave the way for a motion to repeal the duty upon tea. The debate chiefly turned upon the policy of the repeal at this particular time.

"Lord North denied that the tax was an inconsiderable revenue, and strongly contended, that no acts of lenity should accompany their restrictive acts. To repeal at this time, would show such a degree of wavering and inconsistency, as would defeat the good effects of the vigorous plan, which, after too long remissness, was at length adopted. Parliament ought to show that it will relax in none of its just rights, but enforce them in a practical way. The legislature ought to show, that it is provided with sufficient means of making itself obeyed whenever it is resisted. If the tax upon tea is repealed, other demands will be made on the part of America, which as soon as complied with, will be followed by others, until even America herself is surrendered. If the house persisted in that wholesome severity which it had begun to exercise, there was no doubt but obedience on the part of the Americans would be the result; let but Great Britain maintain her rights with firmness, then peace and quiet will soon be restored."⁽²⁾

(1) His lordship, by adopting the principle of this bill, went something farther than his great grand-father had done in the year 1683. For, when the court was at that time, resolved on depriving the city of London of its charter, the merits of the cause were solemnly argued before the judges of the court of king's bench, who declared the liberties and privileges of the city forfeited, and that they might be seized into the king's hand. In consequence of this sentence, the charter of the city was surrendered, which the lord Keeper North, in the king's name, restored, but under such severe restrictions, particularly with respect to the choice of the lord mayor, aldermen, and sheriffs, as left the king absolute master of the government of the city of London. The transaction is related at large by Rapin. The city's charter was restored, in its fullest extent, at the revolution, and an act of parliament passed to prevent its being reassumed by the crown. (2) North's Admin.

Also invests the superiour courts, of assize, and common pleas, with a power to strike juries before such officers as they may appoint, &c. and many other regulations:

In short, the charter was destroyed, and the whole executive power, placed in the hands of ministry.

It was upon this motion of Mr. *Fuller* (*April 19.*) which had been seconded by Mr. *Burke*, that this great commoner delivered his celebrated speech on "American taxation;" of this speech, remarks a very competent judge, "Whether we consider it as an exhibition of imagery, lively, gorgeous, elevated, and resplendent; as a luminous exposition of the subject of debate, or as a chain of close argumentation in maintenance of the proposition he recommends; it is equal, and perhaps superior, to any specimen of the art, ancient or modern.

"It has sometimes been objected to the speeches of this celebrated orator, that, though they excel in variety and extent of knowledge, in curious and instructive observations on human nature, in the sublime sentiments and reflections of philosophy; and in the creations of fancy, and the embellishments of rhetoric, are unrivalled; yet, that they are loose and digressive, and hence comparatively feeble in producing those convictions for which they were designed. This criticism, which, we think, might be very successfully combated, certainly does not apply to the present one. The speech on American taxation, is indeed a model, that presents in a greater degree than any other, the properties of perfect eloquence.

"This speech is, moreover, peculiarly interesting, as containing a very distinct account of all the schemes, which were successively adopted in the government of the plantations, with their causes and consequences. In the progress of the review he has thought fit, as influencing their measures, to describe the characters of the different ministers. These portraits are deserving of the highest admiration. They are sketched with the bold conception of Salvator Rosa, and coloured with the bright and mellow tints of Claude Lorraine." (1)

The object of Mr. *Fuller's* motion, was to repeal the act of *June 1767* entirely, nothing remaining in it (after the partial repeal in *Ap. 1770.*) but the article of "tea;" the enforcement of which, was now evidently bringing on a state of civil war.

As has been seen, the ministerial party contended, that, to repeal the act entirely, after the lengths to which things had gone, would be an act of disgraceful pusillanimity; and would not satisfy the Americans; they would take new courage from success, and aim at further concessions, the repeal of the "sugar act of 1764," and all the laws which bore hard on them, "regulating commerce;" in short, it would lead to a subversion of all government over them. They insisted that the repeal of the stamp act, in 1766, and the partial repeal of this "glass" act in 1770, had only tended to produce more faction, and more disposition to throw off all government. Some thing also had been said about the *preamble* to the act of 1767, as asserting it to be *expedient* to raise a revenue.

Mr. *Burke* commences his speech in answer to these objections, which had been insisted on by Mr. *Cornwall*, one of the lords of the treasury: It is not practicable to insert this speech, which occupies about 60 oct. pages;—the following *extracts* may give some idea of the argumentative part, but nothing of the combined energy, wisdom, compass, and eloquence of the whole.

"The gentleman desires to know, whether, if we were to repeal this tax agreeably to the proposition of the honourable gentleman who made the motion, the Americans would not take post on this concession, in order to make a new attack on the next body of taxes; and whether they would not call for a repeal of the duty on wine, as loudly as they do now for the repeal of the duty on tea? Sir, I can give no security on this subject. But I will do all that I can, and all that can be fairly demanded. To the *experience* which the honourable gentleman reprobates in one instant, and reverts to in the next; to that experience, without the least wavering or hesitation on my part, I steadily appeal; and would to God there was no other arbiter to decide on the vote, with which the house is to conclude this day!

"When parliament repealed the stamp act in the year 1766, I affirm, first, the Americans did not in consequence of this measure call upon you to give up the former parliamentary revenue which subsisted in that country; or even any one of the articles which compose it. I affirm also, that when departing from the maxims of that repeal, you revived the scheme of taxation, and thereby filled the minds of the colonists with new Jealousy, and all sorts of apprehension; then it was that they quarreled with the old taxes, as well as the new; then it was, and not till then, that they questioned all the parts of your legislative power; and by the battery of such questions, have shaken the solid structure of this empire to its deepest foundations.

Of those two propositions I shall, before I have done, give such convincing, such damning proof, that however the contrary may be whispered in circles, or bawled in newspapers, they never more will dare to raise their voices in this house. I speak with great confidence. I have reason for it. The ministers are with me. They at least are convinced, that the repeal of the stamp

act had not, and that no repeal can have the consequences which the honourable gentleman who defends their measures is so much alarmed at. To their conduct, I refer him for a conclusive answer to his objection. I carry my proof irresistibly into the very body of both ministry and parliament; not on any general reasoning growing out of collateral matter, but on the conduct of the honourable gentleman's ministerial friends on the new revenue itself.

"The act of 1767, which grants this tea duty, sets forth in its preamble, that it was expedient to raise a revenue in America, for the support of the civil government there, as well as for purposes still more extensive. To this support the act assigns six branches of duties. About two years after this act passed, the ministry, I mean the present ministry, thought it expedient to repeal five of the duties, and to leave, for reasons best known to themselves, only the sixth standing. Suppose any person, at the time of that repeal, had thus addressed the minister, (1) 'Condemning, as you do, the repeal of the stamp act, why do you venture to repeal the duties upon glass, paper, and painters' colours? Let your pretence for the repeal be what it will, are you not thoroughly convinced, that your concessions will produce, not satisfaction, but insolence in the Americans; and that the giving up these taxes will necessitate the giving up of all the rest?' This objection was as palpable then as it is now; and it was as good for preserving the five duties as for retaining the sixth. Besides, the minister will recollect, that the repeal of the stamp act had but just preceded his repeal; and the ill policy of that measure (had it been so impolitic as it has been represented,) and the mischiefs it produced, were quite recent. Upon the principles therefore of the honourable gentleman, upon the principles of the minister himself, the minister has nothing at all to answer. He stands condemned by himself, and by all his associates old and new, as a destroyer in the first trust of finance, of the revenues; and in the first rank of honour, as the betrayer of the dignity of his country.

"Most men, especially great men, do not always know their well-wishers. I come to rescue that noble lord out of the hands of those he calls his friends; and even out of his own. I will do him the justice he is denied at home. He has not been this wicked or imprudent man. He knew that a repeal had no tendency to produce the mischiefs, which give so much alarm to his honourable friend. His work was not bad in its principle, but imperfect in its execution; and the motion on your paper presses him only to complete a proper plan, which, by some unfortunate and unaccountable error, he had left unfinished.

"I hope, sir, the honourable gentleman who spoke last, is thoroughly satisfied, and satisfied out of the proceedings of ministry on their own favourite act, that his fears from a repeal are groundless. If he is not, I leave him and the noble lord who sits by him, to settle the matter, as well as they can, together; for if the repeal of American taxes destroys all our government in America—He is the man!—and he is the worst of all the repealers, because he is the last.

"But I hear it rung continually in my ears, now and formerly,—the preamble! what will become of the preamble, if you repeal this tax?—I am sorry to be compelled so often to expose the calamities and disgraces of parliament. The preamble of this law standing as it now stands, has the lie direct given to it by the provisional part of the act; if that can be called provisional which makes no provision. I should be afraid to express myself in this manner, especially in the face of such a formidable array of ability as is now drawn up before me, composed of the ancient household troops of that side of the house, and the new recruits from this, if the matter were not clear and indisputable. Nothing but truth could give me this firmness: but plain truth and clear evidence can be beat down by no ability. The clerk will be so good as to turn to the act, and to read this favourite preamble.

"(Whereas it is *expedient* that a *revenue* should be raised in your majesty's dominions in America, for making a more certain and adequate provision for defraying the charge of the administration of justice, and support of civil government, in such provinces where it shall be found necessary; and towards further defraying the expences of defending, protecting, and securing the said dominions.)

"You have heard this pompous performance. Now where is the revenue which is to do all these mighty things? Five sixths repealed—abandoned—sunk—gone—lost forever. Does the poor solitary tea duty support the purposes of this preamble? Is not the supply there stated as effectually abandoned, as if the tea duty had perished in the general wreck? Here, Mr. Speaker, is a precious mockery—a preamble without an act—taxes granted in order to be repealed—and the reasons of the grant still carefully kept up! This is raising a revenue in America! This is preserving dignity in England! If you repeal this tax in compliance with the motion, I readily

admit that you lose this fair preamble. Estimate your loss in it. The object of the act is gone already; and all you suffer is, the purging the statute book of the opprobrium of an empty, absurd, and false recital.

"It has been said again and again, that the five taxes were repealed on commercial principles. It is so said in the paper in my hand; (1) a paper which I constantly carry about; which I have often used, and shall often use again. What is got by this paltry pretence of commercial principles I know not; for, if your government in America is destroyed by the *repeal of taxes*, it is of no consequence upon what ideas the repeal is grounded. Repeal this tax too upon commercial principles if you please. These principles will serve as well now as they did formerly. But you know that, either your objection to a repeal from these supposed consequences has no validity, or that this pretence never could remove it. This commercial motive never was believed by any man, either in America, which this letter is meant to sooth, or in England, which it is meant to deceive. It was impossible it should. Because every man, in the least acquainted with the detail of commerce, must know, that several of the articles on which the tax was repealed, were fitter objects of duties, than almost any other articles that could possibly be chosen; without comparison more so, than the tea that was left taxed.

"Tea is an object of far other importance. Tea is perhaps the most important object, taking it with its necessary connexions, of any in the mighty circle of our commerce. If commercial principles had been the true motives to the repeal, or had they been at all attended to, tea would have been the last article we should have left taxed for a subject of controversy.

"Sir, it is not a pleasant consideration; but nothing in the world can read so awful and so instructive a lesson, as the conduct of ministry in this business, upon the mischief of not having large and liberal ideas in the management of great affairs. Never have the servants of the state looked at the whole of your complicated interests in one connected view. They have taken things by bits and scraps, some at one time and one pretence, and some at another, just as they pressed, without any sort of regard to their relations or dependencies. They never had any kind of system, right or wrong; but only invented occasionally some miserable tale for the day, in order meanly to sneak out of difficulties, into which they had proudly strutted. And they were put to all these shifts and devices, full of meanness and full of mischief, in order to pilfer piecemeal a repeal of an act, which they had not the generous courage, when they found and felt their error, honourably and fairly to disclaim. By such management, by the irresistible operation of feeble councils, so paltry a sum as three pence in the eyes of a financier, so insignificant an article as tea in the eyes of a philosopher, have shaken the pillars of a commercial empire that circled the whole globe.

"Do you forget that, in the very last year, you stood on the precipice of general bankruptcy? Your danger was indeed great. You were distressed in the affairs of the East India company; and you well know what sort of things are involved in the comprehensive energy of that significant appellation. I am not called upon to enlarge to you on that danger, which you thought proper yourselves to aggravate, and to display to the world with all the parade of indiscreet declamation. The monopoly of the most lucrative trades, and the possession of imperial revenues, had brought you to the verge of beggary and ruin: such was your representation—such, in some measure, was your case. The vent of ten millions of pounds of this commodity, now locked up by the operation of an injudicious tax, and rotting in the warehouses of the company, would have prevented all this distress, and all that series of desperate measures, which you thought yourselves obliged to take in consequence of it. America would have furnished that vent, which no other part of the world can furnish but America; where tea is next to a necessary of life; and where the demand grows upon the supply. I hope our dear bought East India committees have done us, at least so much good, as to let us know, that without a more extensive sale of that article, our East India revenues and acquisitions can have no certain connexion with this country. It is through the American trade of tea, that your East India conquests are to be prevented from crushing you with their burden. They are ponderous indeed; and they must have that great country to lean upon, or they tumble upon your head. It is the same folly that has lost you at once, the benefit of the west and of the east. This folly has thrown open folding doors to contraband; and will be the means of giving the profits of the trade of your colonies, to every nation but yourselves. Never did a people suffer so much for the empty words of a preamble. It must be given up. For on what principle does it stand? This famous revenue stands, at this hour, on all the debate, as a

(1) *Lord Hillsborough's circular letter to the governors of the colonies, concerning the repeal of some of the duties laid in the act of 1767.*

description of revenue not as yet known in all the comprehensive—but too comprehensive! vocabulary of finance—a *preambulary tax*. It is indeed a tax of sophistry, a tax of pedantry, a tax of disputation, a tax of war and rebellion, a tax for any thing but benefit to the imposers, or satisfaction to the subject.

“Well! but whatever it is, gentleman will force the colonists to take the teas. You will force them? has seven years struggle been yet able to force them? O! but it seems we are yet in the right.—The tax is ‘trifling—in effect it is rather an exoneration than an imposition; three-fourths of the duty formerly payable on teas exported to America is taken off; the place of collection is only shifted; instead of the retention of a shilling from the drawback here, it is threepence custom paid in America.’ All this, sir, is very true. But this is the very folly and mischief of the act. Incredible as it may seem, you know that you have deliberately thrown away a large duty which you held secure and quiet in your hands, for the vain hope of getting one three-fourths less, through every hazard, through certain litigation, and possibly through war.

“The manner of proceeding in the duties on paper and glass imposed by the same act, was exactly in the same spirit. There are heavy excises on those articles when used in England. On export, these excises are drawn back. But instead of withholding the drawback, which might have been done, with ease, without charge, without possibility of smuggling: and instead of applying the money (money already in your hands) according to your pleasure, you began your operations in finance by flinging away your revenue; you allowed the whole drawback on export, and then you charged the duty (which you had before discharged) payable in the colonies; where it was certain the collection would devour it to the bone; if any revenue were ever suffered to be collected at all. One spirit pervades and animates the whole mass.

“Could any thing be a subject of more just alarm to America, than to see you go out of the plain high road of finance, and give up your most certain revenues and your clearest interest, merely for the sake of insulting your colonies? No man ever doubted that the commodity of tea could bear an imposition of threepence. But no commodity will bear threepence, or will bear a penny, when the general feelings of men are irritated, and two millions of people are resolved not to pay. The feelings of the colonies were formerly the feelings of Great Britain. Theirs were formerly the feelings of Mr. Hampden when called upon for the payment of twenty shillings. Would twenty shillings have ruined Mr. Hampden’s fortune? No! but the payment of half twenty shillings, on the principle it was demanded, would have made him a slave. It is the weight of that preamble, of which you are so fond, and not the weight of the duty, that the Americans are unable and unwilling to bear.

“It is then, sir, upon the *principle* of this measure, and nothing else, that we are at issue. It is a principle of political expediency. Your act of 1767 asserts, that it is expedient to raise a revenue in America; your act of 1769,⁽¹⁾ which takes away that revenue, contradicts the act of 1767; and, by something much stronger than words, asserts, that it is not expedient. It is a reflection on your wisdom, to persist in a solemn parliamentary declaration of the expediency of any object, for which, at the same time, you make no sort of provision. And pray, sir, let not this circumstance escape you; it is very material; that the preamble of this act, which we wish to repeal, is not *declaratory of a right*, as some gentlemen seem to argue it; it is only a recital of the *expediency* of a certain exercise of a right supposed already to have been asserted; an exercise you are now contending for by ways and means, which you confess, though they were obeyed, to be utterly insufficient for their purpose. You are therefore at this moment in the awkward situation of fighting for a phantom; a quiddity; a thing that wants, not only a substance, but even a name; for a thing, which is neither abstract right, nor profitable enjoyment.

“They tell you, sir, that your dignity is tied to it. I know not how it happens, but this dignity of yours is a terrible incumbrance to you; for it has of late been at war with your interest, your equity, and every idea of your policy. Show the thing you contend for to be reason; show it to be common sense; show it to be the means of attaining some useful end; and then I am content to allow it what dignity you please. But what dignity is derived from the perseverance in absurdity, is more than ever I could discern. The honourable gentleman has said well,—indeed, in most of his *general observations* I agree with him—he says, that this subject does not stand as it did formerly. Oh, certainly not! every hour you continue on this ill chosen ground, your difficulties thicken on you; and therefore my conclusion is, remove from a bad position as quickly as you can. The disgrace, and the necessity of yielding, both of them, grow upon you every hour of your delay.

(1) 1770, *Ap. repeal of the “glass act,” except “tea.”*

"But will you repeal the act, says the honourable gentleman, at this instant when America is in open resistance to your authority, and that you have just revived your system of taxation? He thinks he has driven us into a corner. But thus pent up, I am content to meet him; because I enter the lists supported by my old authority, his new friends, the ministers themselves. The honourable gentleman remembers, that about five years ago as great disturbances as the present prevailed in America on account of the new taxes.⁽¹⁾ The ministers represented these disturbances as treasonable; and this house thought proper, on that representation, to make a famous address for a revival; and for a new application of a statute of Henry VIII. We besought the king, in that well considered address, to inquire into treasons; and to bring the supposed traitors from America to Great Britain for trial. His majesty was pleased graciously to promise a compliance with our request. All the attempts from this side of the house to resist these violences, and to bring about a repeal, were treated with the utmost scorn. An apprehension of the very consequences now stated by the honourable gentleman, was then given as a reason for shutting the door against all hope of such alteration. And so strong was the spirit for supporting the new taxes, that the session concluded with the following remarkable declaration. After stating the vigorous measures which had been pursued, the speech from the throne proceeds:

"You have assured me of your firm support in the prosecution of them. Nothing, in my opinion, could be more likely to enable the well disposed among my subjects in that part of the world, effectually to discourage and defeat the designs of the factious and seditious, than the hearty concurrence of every branch of the legislature, in maintaining the execution of the laws in every part of my dominions."

"After this no man dreamt that a repeal under this ministry could possibly take place. The honourable gentleman knows as well as I, that the idea was utterly exploded by those who sway the house. This speech was made on the ninth day of May, 1769. Five days after this speech, that is on the 13th of the same month, the publick circular letter, a part of which I am going to read to you, was written by Lord Hillsborough, secretary of state for the colonies. After reciting the substance of the king's speech, he goes on thus:

"I can take upon me to assure you, notwithstanding insinuations to the contrary, from men with factious and seditious views, that his majesty's present administration have at no time entertained a design to propose to parliament to lay any further taxes upon America, for the purpose of raising a revenue; and that it is at present their intention to propose, the next session of parliament, to take off the duties upon glass, paper, and colours, upon consideration of such duties having been laid contrary to the true principles of commerce.

"These have always been, and still are, the sentiments of his majesty's present servants; and by which their conduct in respect to America has been governed. And his majesty relies upon your prudence and fidelity for such an explanation of his measures, as may tend to remove the prejudices which have been excited by the misrepresentations of those who are enemies to the peace and prosperity of Great Britain and her colonies; and to re-establish that mutual confidence and affection, upon which the glory and safety of the British empire depend."

"Here, sir, is a canonical book of ministerial scripture; the general epistle to the Americans. What does the gentleman say to it? Here a repeal is promised; promised without condition; and while your authority was actually resisted. I pass by the publick promise of a peer, relative to the repeal of taxes by this house. I pass by the use of the king's name in a matter of supply, that sacred and reserved right of the commons. I conceal the ridiculous figure of parliament, hurling its thunders at the gigantic rebellion in America; and then five days after, prostrate at the feet of those assemblies we affected to despise: begging them, by the intervention of our ministerial sureties, to receive our submission, and heartily promising amendment. These might have been serious matters formerly; but we are grown wiser than our fathers. Passing, therefore, from the constitutional consideration to the mere policy, does not this letter imply, that the idea of taxing America for the purpose of revenue, is an abominable project; when the ministry suppose none but factious men, and with seditious views could charge them with it? Does not this letter adopt and sanctify the American distinction of taxing for a revenue? Does it not formally reject all future taxation on that principle? Does it not state the ministerial rejection of such principle of taxation, not as the occasional, but the constant opinion of the king's servants? Does it not say (I care not how consistently) but does it not say, that their conduct with regard to America has been always governed by this policy? It goes a great deal further. These excellent and trusty servants of the king, justly fearful lest they themselves should have lost all credit with the world, bring out

(1) "In 1769 on the Glass bill &c. of 1767."

the image of their gracious sovereign from the inmost and most sacred shrine, and they pawn him as a security for their promises.—His majesty relies on your prudence and fidelity for such an explanation of his measures.* These sentiments, of the minister, and these measures of his majesty, can only relate to the principle and practice of taxing for a revenue; and accordingly lord Botetourt, stating it as such, did, with great propriety, and in the exact spirit of his instructions, endeavour to remove the fears of the Virginian assembly, lest the sentiments, which it seems (unknown to the world) had always been those of the ministers, and by which their conduct in respect to America had been governed, should by some possible revolution, favourable to wicked American taxers, be hereafter counteracted. He addresses them in this manner:

"It may possibly be objected, that as his majesty's present administration are not immortal, their successors may be inclined to attempt to undo what the present ministers shall have attempted to perform; and to that objection I can give but this answer; that it is my firm opinion, that the plan I have stated to you will certainly take place, and that it will never be departed from; and so determined am I for ever to abide by it, that I will be content to be declared infamous, if I do not, to the last hour of my life, at all times, in all places, and upon all occasions, exert every power with which I either am, or ever shall be legally invested, in order to obtain and maintain for the continent of America that satisfaction which I have been authorized to promise this day, by the confidential servants of our gracious sovereign, who to my certain knowledge rates his honour so high, that he would rather part with his crown, than preserve it by deceit.(1)

"A glorious and true character! which (since we suffer his ministers with impunity to answer for his ideas of taxation), we ought to make it our business to enable his majesty to preserve, in all its lustre. Let him have character, since ours is no more! Let some part of government be kept in respect!

"This epistle was not the letter of lord Hillsborough solely; though he held the official pen. It was the letter of the noble lord upon the floor,(2) and of all the king's then ministers, who (with I think the exception of two only) are his ministers at this hour. The very first news that a British parliament heard, of what it was to do, with the duties which it had given and granted to the king, was by the publication of the votes of American assemblies. It was in America that your resolutions were pre-declared. It was from thence that we knew to a certainty, how much exactly, and not a scruple more nor less, we were to repeal. We were unworthy to be let into the secret of our own conduct. The assemblies had confidential communications from his majesty's confidential servants. We were nothing but instruments. Do you, after this, wonder that you have no weight and no respect in the colonies? After this, are you surprised, that parliament is every day and every where losing (I feel it with sorrow, I utter it with reluctance) that reverential affection, which so endearing a name of authority ought ever to carry with it; that you are obeyed solely from respect to the bayonet; and that this house, the ground and pillar of freedom, is itself held up, only by the treacherous under-pinning and clumsy buttresses of arbitrary power?

"If this dignity, which is to stand in the place of just policy and common sense, had been consulted, there was a time for preserving it, and for reconciling it with any concession. If, in the session of 1768, that session of idle terror and empty menaces, you had, as you were often pressed to do, repealed these taxes; then your strong operations would have come justified and enforced, in case your concessions had been returned by outrages. But preposterously, you began with violence; and before terrors could have any effect, either good or bad, your ministers immediately begged pardon, and promised that repeal to the obstinate Americans, which they had refused in an easy, good natured, complying British parliament. The assemblies which had been publicly and avowedly dissolved for their contumacy, are called together to receive your submission. Your ministerial directors blustered like tragick tyrants here; and then went mumping with a sore leg in America, canting, and whining, and complaining of faction, which represented them as friends to a revenue from the colonies. I hope nobody in this house will hereafter have the impudence to defend American taxes in the name of ministry. The moment they do, with this letter of attorney

(1) *A material point is omitted by Mr. Burke in this speech, viz. the manner in which the continent received this royal assurance. The assembly of Virginia, in their address in answer to lord Botetourt's speech, express themselves thus: 'We will not suffer our present hopes, arising from the pleasing prospect your lordship hath so kindly opened and displayed to us, to be dashed by the bitter reflection that any future administration will entertain a wish to depart from that plan, which affords the surest and most permanent foundation of publick tranquillity and happiness: No, my lord, we are sure our most gracious sovereign, under whatever changes may happen in his confidential servants, will remain immutable in the ways of truth and justice, and that he is incapable of deceiving his faithful subjects; and we esteem your lordship's information not only as warranted, but even sanctified by the royal word.'* (2) Lord North.

in my hand, I will tell them in the authorized terms, they are wretches, 'with factious and seditious views; enemies to the peace and prosperity of the mother country and the colonies,' and subverters 'of the mutual affection and confidence on which the glory and safety of the British empire depend.'

"After this letter, the question is no more on propriety or dignity. They are gone already. The faith of your sovereign is pledged for the political principle. The general declaration in the letter goes to the whole of it. You must therefore either abandon the scheme of taxing, or you must send the ministers tarred and feathered to America, who dared to hold out the royal faith for a renunciation of all taxes for revenue. Then you must punish, or this faith you must preserve. The preservation of this faith is of more consequence than the duties on *red lead*, or *white lead*, or on broken *glass*, or *atlas-ordinary*, or *demy-fine*, or *blue-royal*, or *bastard*, or *fool's cap*, which you have given up; or the threepence on tea which you have retained. The letter went stamped with the publick authority of this kingdom. The instructions for the colony government go under no other sanction; and America cannot believe, and will not obey you, if you do not preserve this channel of communication sacred. You are now punishing the colonies for acting on distinctions, held out by that very ministry which is here shining in riches, in favour, and in power; and urging the punishment of the very offence, to which they had themselves been the tempters.

"Sir, if reasons respecting simply your own commerce, which is your own convenience, were the sole grounds of the repeal of the five duties; why does lord Hillsborough, in disclaiming in the name of the king and ministry their ever having had an intent to tax for revenue, mention it as the means of 're-establishing the confidence and affection of the colonies? Is it a way of soothing *others*, to assure them that you will take good care of *yourself*? The medium, the only medium, for regaining their affection and confidence, is, that you will take off something oppressive to their minds. Sir, the letter strongly enforces that idea: for though the repeal of the taxes is promised on commercial principles, yet the means of counteracting 'the insinuations of men with factious and seditious views,' is by a disclaimer of the intention of taxing for revenue, as a constant invariable sentiment and rule of conduct, in the government of America.

"I remember that the noble lord on the floor, not in a former debate to be sure (it would be disorderly to refer to it, I suppose I read it somewhere) but the noble lord was pleased to say, that he did not conceive how it could enter into the head of man to impose such taxes as those of 1767; I mean those taxes which he voted for imposing, and voted for repealing; as being taxes, contrary to all the principles of commerce, laid on British manufactures.

"I dare say the noble lord is perfectly well read, because the duty of his particular office requires he should be so, in all our revenue laws; and in the policy which is to be collected out of them. Now, sir, when he had read this act of American revenue, and a little recovered from his astonishment, I suppose he made one step retrograde (it is but one) and looked at the act which stands just before in the statute book. The American revenue act is the forty-fifth chapter; the other to which I refer is the forty-fourth of the same session. These two acts are both to the same purpose; both revenue acts, both taxing out of the kingdom; and both taxing British manufactures exported. As the 45th is an act for raising a revenue in America, the 44th is an act for raising a revenue in the Isle of Man. The two acts perfectly agree in all respects, except one. In the act for taxing the Isle of Man, the noble lord will find (not as in the American act, four or five articles) but almost the whole body of British manufactures, taxed from two and a half to fifteen per cent, and some articles, such as that of spirits, a great deal higher. You did not think it uncommercial to tax the whole mass of your manufactures, and, let me add, your agriculture too; for, I now recollect, British corn is there also taxed up to ten per cent. and this too in the very head quarters, the very citadel of smuggling, the Isle of Man. Now will the noble lord condescend to tell me, why he repealed the taxes on your manufactures sent out to America, and not the taxes on the manufactures exported to the Isle of Man? The principle was exactly the same, the objects charged infinitely more extensive, the duties without comparison higher. Why? why notwithstanding all his childish pretexts, because the taxes were quietly submitted to in the Isle of Man; and because they raised a flame in America. Your reasons were political, not commercial. The repeal was made, as lord Hillsborough's letter well expresses it, to regain 'the confidence and affection of the colonies, on which the glory and safety of the British empire depend.' A wise and just motive surely, if ever there was such. But the mischief and dishonour is, that you have not done what you had given the colonies just cause to expect, when your ministers disclaimed the idea of taxes for a revenue. There is nothing simple, nothing manly, nothing ingenuous, open,

decisive, or steady, in the proceeding, with regard either to the continuance or the repeal of the taxes. The whole has an air of littleness and fraud. The article of tea is slurred over in the circular letter, as it were by accident. Nothing is said of a resolution either to keep that tax, or to give it up. There is no fair dealing in any part of the transaction.

“If you mean to follow your true motive and your publick faith, give up your tax on tea for raising a revenue, the principle of which has, in effect, been disclaimed in your name; and which produces you no advantage; no not a penny. Or, if you choose to go on with a poor pretence instead of a solid reason, and will still adhere to your cant of commerce, you have ten thousand times more strong commercial reasons for giving up this duty on tea, than for abandoning the five others that you have already renounced.

“The American consumption of teas is annually, I believe, worth 300,000*l*, at the least farthing. If you urge the American violence as a justification of your perseverance in enforcing this tax, you know that you can never answer this plain question—Why did you repeal the others given in the same act, whilst the very same violence subsisted?—But you did not find the violence cease upon that concession. No! because the concession was far short of satisfying the principle which lord Hillsborough had abjured; or even the pretence on which the repeal of the other taxes was announced: and because, by enabling the East India company to open a shop for defeating the American resolution not to pay that specifick tax, you manifestly showed a hankering after the principle of the act which you formerly had renounced. Whatever road you take leads to a compliance with this motion. It opens to you at the end of every vista. Your commerce, your policy, your promises, your reasons, your pretences, your consistency, your inconsistency—all jointly oblige you to this repeal.

“But still it sticks in our throats. If we go so far, the Americans will go further.—We do not know that: we ought, from experience, rather to presume the contrary. Do we not know for certain, that the Americans are going on as fast as possible, whilst we refuse to gratify them? Can they do more, or can they do worse, if we yield this point? I think this concession will rather fix a turnpike to prevent their further progress. It is impossible to answer for bodies of men. But I am sure the natural effect of fidelity, clemency, kindness in governors, is peace; good will, order and esteem, on the part of the governed. I would certainly, at least give these fair principles a fair trial; which, since the making of this act to this hour, they never have had.

“Sir, it has been said in the debate, that when the first American revenue act (the act in 1764, imposing the port duties) passed, the Americans did not object to the principle. It is true they touched it but very tenderly. It was not a direct attack. They were, it is true, as yet novices; as yet unaccustomed to direct attacks upon any of the rights of parliament. The duties were port duties, like those they had been accustomed to bear; with this difference, that the title was not the same, the preamble not the same, and the spirit altogether unlike. But of what service is this observation to the cause of those that make it? It is a full refutation of the pretence for their present cruelty to America; for it shows, out of their own mouths, that our colonies were backward to enter into the present vexatious and ruinous controversy.

“Sir, I think I may as well now, as at any other time, speak to a certain matter of fact, not wholly unrelated to the question under your consideration. We, who would persuade you to revert to the ancient policy of this kingdom, labour under the effect of this short current phrase, which the court leaders have given out to all their corps, in order to take away the credit of those who would prevent you from that frantick war you are going to wage upon your colonies. Their cant is this: ‘All the disturbances in America have been created by the repeal of the stamp act.’ I suppress for a moment my indignation at the falsehood, baseness, and absurdity of this most audacious assertion. Instead of remarking on the motives and character of those who have issued it for circulation, I will clearly lay before you the state of America, antecedently to that repeal, after the repeal, and since the renewal of the schemes of American taxation.

“It is said, that the disturbances, if there were any before the repeal, were slight; and without difficulty or inconvenience might have been suppressed. For an answer to this assertion, I will send you to the great author and patron of the stamp act, who certainly meaning well to the authority of this country, and fully apprized of the state of that, made, (before a repeal was so much as agitated in this house,) the motion which is on your journals; and which, to save the clerk the trouble of turning to it, I will now read to you. It was for an amendment to the address of the 17th of December, 1765:

“‘To express our just resentment and indignation at the outrageous tumults and insurrections, which have been excited and carried on in North America; and at the resistance given by open

and rebellious force to the execution of the laws in that part of his majesty's dominions. And to assure his majesty, that his faithful commons, animated with the warmest duty and attachment to his royal person and government, will firmly and effectually support his majesty in all such measures as shall be necessary, for preserving and supporting the legal dependance of the colonies on the mother country.' &c. &c.

"Here was certainly a disturbance preceding the repeal; such a disturbance as Mr. Grenville thought necessary to qualify by the name of an insurrection, and the epithet of a rebellious force: terms much stronger than any, by which, those who then supported his motion, have ever since thought proper to distinguish the subsequent disturbances in America. They were disturbances which seemed to him and his friends to justify as strong a promise of support, as hath been usual to give in the beginning of a war, with the most powerful and declared enemies. When the accounts of the American governors came before the house, they appeared stronger even than the warmth of publick imagination had painted them; so much stronger, that the papers on your table bear me out in saying, that all the late disturbances, which have been at one time the minister's motives for the repeal of five out of six of the new court taxes, and are now his pretences for refusing to repeal that sixth, did not amount—why do I compare them? no, not to a tenth part of the tumults and violence which prevailed long before the repeal of that act.

"Ministry cannot refuse the authority of the commander in chief, general Gage, who in his letter of the 4th of November,(1) from New York, thus represents the state of things:

"It is difficult to say, from the highest to the lowest, who has not been accessory to this insurrection, either by writing or mutual agreements to oppose the act, by what they are pleased to term all legal opposition to it. Nothing effectually has been proposed, either to prevent or quell the tumult. The rest of the provinces are in the same situation as to positive refusal to take the stamps; and threatening those who shall take them, to plunder and murder them; and this affair stands in all the provinces, that unless the act, from its own nature, enforce itself, nothing but a very considerable military force can do it."

"It is remarkable, sir, that the persons who formerly trumpeted forth the most loudly, the violent resolutions of assemblies; the universal insurrections; the seizing and burning the stamped papers; the forcing stamp officers to resign their commissions under the gallows; the rising and pulling down of the houses of magistrates; and the expulsion from their country of all who dared to write or speak a single word in defence of the powers of parliament; these very trumpeters are now the men, that represent the whole as a mere trifle; and choose to date all the disturbances from the repeal of the stamp act, which put an end to them. Hear your officers abroad, and let them refute this shameless falsehood, who, in all their correspondence, state the disturbances as owing to their true causes, the discontent of the people, from the taxes. You have this evidence in your own archives—and it will give you complete satisfaction; if you are not so far lost to all parliamentary ideas of information, as rather to credit the lie of the day than the records of your own house.

"Sir, this vermin of court reporters, when they are forced into day upon one point, are sure to burrow in another; but they shall have no refuge; I will make them bolt out of all their holes. Conscious that they must be baffled, when they attribute a precedent disturbance to a subsequent measure, they take other ground, almost as absurd, but very common in modern practice, and very wicked; which is, to attribute the ill effect of ill judged conduct, to the arguments which had been used to dissuade us from it. They say that the opposition made in parliament to the stamp act at the time of its passing, encouraged the Americans to their resistance. This has even formally appeared in print in a regular volume, from an advocate of that faction, a doctor Tucker. This doctor Tucker is already a dean, and his earnest labours in this vineyard will, I suppose, raise him to a bishoprick. But this assertion too, just like the rest, is false. In all the papers which have loaded your table; in all the vast crowd of verbal witnesses that appeared at your bar, witnesses which were indiscriminately produced from both sides of the house; not the least hint of such a cause of disturbance has ever appeared. As to the fact of a strenuous opposition to the stamp act, I sat as a stranger in your gallery when the act was under consideration. Far from any thing inflammatory, I never heard a more languid debate in this house. No more than two or three gentlemen, as I remember, spoke against the act, and that with great reserve and remarkable temper. There was but one division in the whole progress of the bill; and the minority did not reach to more than 39 or 40. In the house of lords I do not recollect that there was any debate.

or division at all. I am sure there was no protest. In fact, the affair passed with so very, very little noise, that in town they scarcely knew the nature of what you were doing. The opposition to the bill in England never could have done this mischief, because there scarcely ever was less of opposition to a bill of consequence.

"Sir, the agents and distributors of falsehoods have, with their usual industry, circulated another lie of the same nature of the former. It is this, that the disturbances arose from the account which had been received in America of the change in the ministry. No longer awed, it seems, with the spirit of the former rulers, they thought themselves a match for what our calumniators chose to qualify by the name of so feeble a ministry as succeeded. Feeble in one sense these men certainly may be called; for with all their efforts, and they have made many, they have not been able to resist the distempered vigour, and insane alacrity with which you are rushing to your ruin. But it does so happen, that the falsity of this circulation is, like the rest, demonstrated by indisputable dates and records.

"So little was the change known in America, that the letters of your governors, giving an account of these disturbances long after they had arrived at their highest pitch, were all directed to the old ministry, and particularly to the earl of Halifax, the secretary of state corresponding with the colonies, without once in the smallest degree intimating the slightest suspicion of any ministerial revolution whatsoever. The ministry was not changed in England until the 10th day of July, 1765. (1) On the 14th of the preceding June, governor Fauquier from Virginia writes thus; and writes thus to the earl of Halifax: 'Government is set at defiance, not having strength enough in her hands to enforce obedience to the laws of the country. The private distress which every man feels, increases the general dissatisfaction at the duties laid by the stamp act, which breaks out, and shows itself upon every trifling occasion.' The general dissatisfaction had produced some time before, that is, on the 29th of May, several strong publick resolves against the stamp act; and those resolves are assigned by governor Bernard, as the cause of the insurrections in Massachusetts Bay, in his letter of the 15th of August, still addressed to the earl of Halifax; and he continued to address such accounts to that minister quite to the 7th of September of the same year. Similar accounts, and of as late a date, were sent from other governors, and all directed to lord Halifax. Not one of these letters indicates the slightest idea of a change, either known, or even apprehended.

"Thus are blown away the insect race of courtly falsehoods! thus perish the miserable inventions of the wretched runners for a wretched cause, which they have flyblown into every weak and rotten part of the country, in vain hopes, that when their maggots had taken wing, their importunate buzzing might sound something like the publick voice!

"Sir, I have troubled you sufficiently with the state of America before the repeal. Now I turn to the honourable gentleman who so stoutly challenges us to tell, whether, after the repeal, the provinces were quiet? This is coming home to the point. Here I meet him directly; and answer him most readily: *They were quiet.* And I, in my turn challenge him to prove when, and where, and by whom, and in what numbers, and with what violence, the other laws of trade, as gentlemen assert, were violated in consequence of your concession? or that even your other revenue laws were attacked? But I quit the vantage ground on which I stand, and where I might leave the burden of the proof upon him. I walk down upon the open plain, and undertake to show, that they were not only quiet, but showed many unequivocal marks of acknowledgment and gratitude. And to give him every advantage, I select the obnoxious colony of Massachusetts Bay, which at this time (but without hearing her) is so heavily a culprit before parliament. I will select their proceedings even under circumstances of no small irritation. For, a little imprudently, I must say, governor Bernard mixed in the administration of the lenitive of the repeal, no small acrimony, arising from matters of a separate nature. Yet see, sir, the effect of that lenitive, though mixed with these bitter ingredients; and how this rugged people can express themselves on a measure of concession.

"'If it is not in our power,' say they in their address to governor Bernard, 'in so full a manner as will be expected, to show our respectful gratitude to the mother country, or to make a dutiful and affectionate return to the indulgence of the king and parliament, it shall be no fault of ours; for this we intend, and hope we shall be able fully to effect.'

"Would to God that this temper had been cultivated, managed, and set in action! Other effects than those which we have since felt would have resulted from it. On the requisition for

compensation to those who had suffered from the violence of the populace, in the same address, they say: 'The recommendation enjoined by Mr. Secretary Conway's letter, and in consequence thereof made to us, we will embrace the first convenient opportunity to consider and act upon.' They did consider, they did act upon it, they obeyed the requisition. I know the mode has been chicaned upon: but it was substantially obeyed; and much better obeyed, than I fear the parliamentary requisition of this session will be, though enforced by all your rigour, and backed with all your power. In a word, the damages of popular fury were compensated by legislative —— (1). Almost every other part of America in various ways, demonstrated their gratitude. I am bold to say, that so sudden a calm recovered after so violent a storm, is without parallel in history. To say that no other disturbance should happen from any other cause, is folly. But as far as appearances went, by the judicious sacrifice of one law, you procured an acquiescence in all that remained. After this experience, nobody shall persuade me, when a whole people are concerned, that acts of lenity are not means of conciliation.

"I hope the honourable gentleman has received a fair and full answer to his question.

"I have done with the third period of your policy; that of your repeal; (2) and the return of your ancient system, and your ancient tranquillity and concord. Sir, this period was not as long as it was happy.

After reviewing the characters and motives which led to the "glass and tea act," of June 1767, about a year after the repeal of the stamp act, he remarks:

"Hence arose this unfortunate act, (3) the subject of this day's debate; from a disposition which, after making an American revenue to please one, repealed it to please others, and again revived it in hopes of pleasing a third, and of catching something in the ideas of all.

"This revenue act of 1767, formed the fourth period of American policy. How we have fared since then; what woful variety of schemes have been adopted; what enforcing, and what repealing; what bullying, and what submitting; what doing, and undoing; what straining, and what relaxing; what assemblies dissolved for not obeying, and called again without obedience; what troops sent out to quell resistance, and on meeting that resistance, recalled; what shiftings, and changes, and jumbings of all kinds of men at home, which left no possibility of order, consistency, vigour, or even so much as a decent unity of colour in any one publick measure!—It is a tedious, irksome task. My duty may call me to open it out some other time; on a former occasion I tried your temper on a part of it; (4) for the present I shall forbear.

"After all these changes and agitations, your immediate situation upon the question on your paper is at length brought to this. You have an act of parliament, stating, that 'it is *expedient* to raise a revenue in America.' By a partial repeal you annihilated the greatest part of that revenue, which this preamble declares to be so expedient. You have substituted no other in the place of it. A secretary of state has disclaimed in the king's name, all thoughts of such a substitution in future. The principle of this disclaimer goes to what has been left, as well as what has been repealed. The tax which lingers after its companions (under a preamble declaring an American revenue expedient, and for the sole purpose of supporting the theory of that preamble) militates with the assurance authentically conveyed to the colonies; and is an exhaustless source of jealousy and animosity. On this state, which I take to be a fair one; not being able to discern any grounds of honour, advantage, peace, or power for adhering, either to the act or to the preamble; I shall vote for the question which leads to the repeal of both.

"If you do not fall in with this motion, then secure something to fight for, consistent in theory and valuable in practice. If you must employ your strength, employ it to uphold you in some honourable right, or some profitable wrong. If you are apprehensive that the concession recommended to you, though proper, should be a means of drawing on you further, but unreasonable claims, why then employ your force in supporting that reasonable concession, against those unreasonable demands? You will employ it with more grace; with better effect; and with great probable concurrence of all the quiet and rational people in the provinces, who are now united with and hurried away by the violent; having indeed different dispositions, but a common interest. If you apprehend that on a concession, you shall be punished by metaphysical process to the extreme lines, and argued out of your whole authority, my advice is this: When you have recovered your old, your strong, your tenable position, then face about—stop short—do nothing more—reason not at all—oppose the ancient policy and practice of the empire, as a rampart against the speculations of innovators on both sides of the question; and you will stand on great, manly, and sure ground. On this solid basis fix your machines, and they will draw worlds towards you.

(1) *Uncertain.* (2) *Of the stamp act, 1766, Mar. 19.* (3) *Of June 1767, "glass, tea &c."* (4) *Resolutions in May, 1770.*

"Your ministers, in their own and his majesty's name, have already adopted the American distinction of internal and external duties. It is a distinction, whatever merit it may have, that was originally moved by the Americans themselves; and I think they will acquiesce in it, if they are not pushed with too much logic and too little sense, in all the consequences. That is, if external taxation be understood, as they and you understand it, when you please, to be not a distinction of geography, but of policy; that it is a power for regulating trade, and not for supporting establishments. The distinction, which is as nothing with regard to right, is of most weighty consideration in practice. Recover your old ground, and your old tranquillity. Try it. I am persuaded the Americans will compromise with you. When confidence is once restored, the odious and suspicious *summum jus* will perish of course. The spirit of practicability, of moderation, and mutual convenience, will never call in geometrical exactness as the arbitrator of an amicable settlement. Consult and follow your experience. Let not the long story with which I have exercised your patience, prove fruitless to your interests.

"For my part, I should choose (if I could have my wish) that the proposition of the honourable gentleman (1) for the repeal, could go to America without the attendance of the penal bills. (2) Alone I could almost answer for its success. I cannot be certain of its reception in the bad company it may keep. In such heterogeneous assortments, the most innocent person will lose the effect of his innocency. Though you should send out this angel of peace, yet you are sending out a destroying angel too: and what would be the effect of the conflict of these two adverse spirits, or which would predominate in the end, is what I dare not say: whether the lenient measures would cause American passion to subside, or the severe would increase its fury—All this is in the hand of providence; yet now, even now, I should confide in the prevailing virtue, and efficacious operation of lenity, though working in darkness, and in chaos, in the midst of all this unnatural and turbid combination. I should hope it might produce order and beauty in the end.

"Let us, sir, embrace some system or other before we end this session. Do you mean to tax America, and to draw a productive revenue from thence? If you do, speak out: name, fix, ascertain this revenue; settle its quantity; define its objects; provide for its collection; and then fight, when you have something to fight for. If you murder—rob! If you kill, take possession: and do not appear in the character of madmen, as well as assassins; violent, vindictive, bloody, and tyrannical without an object. But may better counsels guide you!

"Again, and again, revert to your old principles—seek peace and ensue it. Leave America, if she has taxable matter in her, to tax herself. I am not here going into the distinctions of rights, nor attempting to mark their boundaries. I do not enter into these metaphysical distinctions: I hate the very sound of them. Leave the Americans as they anciently stood, and these distinctions, born of our unhappy contest, will die along with it. They and we, and their and our ancestors, have been happy under that system. Let the memory of all actions, in contradiction to that good old mode, on both sides, be extinguished for ever. Be content to bind America by laws of trade; you have always done it. Let this be your reason for binding their trade. Do not burden them by taxes; you were not used to do so from the beginning. Let this be your reason for not taxing. These are the arguments of states and kingdoms. Leave the rest to the schools; for there only they may be discussed with safety. But if, intemperately, unwisely, fatally, you sophisticate and poison the very source of government, by urging subtle deductions, and consequences odious to those you govern, from the unlimited and illimitable nature of supreme sovereignty, you will teach them by these means, to call that sovereignty itself in question. When you drive him hard, the boar will surely turn upon the hunters. If that sovereignty and their freedom cannot be reconciled, which will they take? They will cast your sovereignty in your face. No body will be argued into slavery. Sir, let the gentlemen on the other side call forth all their ability; let the best of them get up, and tell me, what one character of liberty the Americans have, and what one brand of slavery they are free from, if they are bound in their property and industry, by all the restraints you can imagine on commerce, and at the same time are made pack horses of every tax you choose to impose, without the least share in granting them. When they bear the burdens of unlimited monopoly, will you bring them to bear the burdens of unlimited revenue too? The Englishman in America will feel that this is slavery—that it is *legal* slavery, will be no compensation, either to his feelings or his understanding.

"A noble lord, (3) who spoke some time ago, is full of the fire of ingenuous youth; and when he has modelled the ideas of a lively imagination by further experience, he will be an ornament

to his country in either house. He has said that the Americans are our children, and how can they revolt against their parent? He says, that if they are not free in their present state, England is not free; because Manchester, and other considerable places are not represented. So then, because some towns in England are not represented, America is to have no representative at all. They are 'our children;' but when children ask for bread, we are not to give a stone. Is it because the natural resistance of things, and the various mutations of time, hinders our government, or any scheme of government, from being any more than a sort of approximation to the right, is it therefore that the colonies are to recede from it infinitely? When this child of ours wishes to assimilate to its parent, and to reflect with a true filial resemblance the beautiful countenance of British liberty; are we to turn to them the shameful parts of our constitution? Are we to give them our weakness for their strength; our opprobrium for their glory; and the slough of slavery, which we are not able to work off, to serve them for their freedom?

"If this be the case, ask yourselves this question, Will they be content in such a state of slavery? If not, look to the consequences. Reflect how you are to govern a people, who think they ought to be free, and think they are not. Your scheme yields no revenue: it yields nothing but discontent, disorder, disobedience; and such is the state of America, that, after wading up to your eyes in blood, you could only end just where you began; that is, to tax where no revenue is to be found, to———my voice fails me——my inclination indeed carries me no further——all is confusion beyond it.

"Well, sir, I have recovered a little, and before I sit down, I must say something to another point with which gentlemen urge us. What is to become of the 'declaratory act' asserting the entirety of British legislative authority, if we abandon the practice of taxation?

"For my part, I look upon the rights stated in that act, exactly in the manner in which I viewed them on its very first proposition, and which I have often taken the liberty, with great humility, to lay before you. I look, I say, on the imperial rights of Great Britain, and the privileges which the colonists ought to enjoy under these rights, to be just the most reconcilable things in the world. The parliament of Great Britain sits at the head of her extensive empire in two capacities: one as the local legislature of this island, providing for all things at home, immediately, and by no other instrument than the executive power. The other, and I think her nobler capacity, is what I call her imperial character, in which, as from the throne of heaven, she superintends all the several inferior legislatures, and guides and controls them all, without annihilating any. As all these provincial legislatures are only co-ordinate to each other, they ought all to be subordinate to her; else they can neither preserve mutual peace, nor hope for mutual justice, nor effectually afford mutual assistance. It is necessary to coerce the negligent, to restrain the violent, and to aid the weak and deficient, by the overruling plenitude of her power. She is never to intrude into the place of the others, whilst they are equal to the common ends of their institution. But in order to enable parliament to answer all these ends, of provident and beneficent superintendence, her powers must be boundless. The gentlemen who think the powers of parliament limited, may please themselves to talk of requisitions. But suppose the requisitions are not obeyed. What! Shall there be no reserved power in the empire, to supply a deficiency which may weaken, divide, and dissipate the whole? We are engaged in war—the secretary of state calls upon the colonies to contribute—some would do it, I think most would cheerfully furnish whatever is demanded—one or two, suppose, hang back, and easing themselves, let the stress of the draft lie on the others—surely it is proper, that some authority might legally say—'Tax yourselves for the common supply, or parliament will do it for you.' This backwardness was, as I am told, actually the case of Pennsylvania for some short time, towards the beginning of the last war, owing to some internal dissensions in the colony. But whether the fact were so, or otherwise, the case is equally to be provided for by a competent sovereign power. But then this ought to be no ordinary power; nor ever used in the first instance. This is what I meant, when I have said at various times, that I consider the power of taxing in parliament as an instrument of empire, and not a means of supply.

"Such, sir, is my idea of the constitution of the British empire, as distinguished from the constitution of Britain; and on these grounds I think subordination and liberty may be sufficiently reconciled through the whole; whether to serve a refining speculatist, or a factious demagogue, I know not; but enough surely for the ease and happiness of man.

"Sir, whilst we held this happy course we drew more from the colonies, than all the impotent violence of despotism ever could extort from them. We did this abundantly in the last war. It has never been once denied; and what reason have we to imagine, that the colonies would not have

proceeded in supplying government as liberally, if you had not stepped in and hindered them from contributing, by interrupting the channel in which their liberality flowed with so strong a course, by attempting to take, instead of being satisfied to receive? Sir William Temple says, that Holland has loaded itself with ten times the impositions, which it revolted from Spain rather than submit to. He says true. Tyranny is a poor provider. It knows neither how to accumulate, nor how to extract.

"I charge therefore to this new and unfortunate system, the loss not only of peace, of union, and of commerce, but even of revenue, which its friends are contending for. It is morally certain, that we have lost at least a million of free grants since the peace. I think we have lost a great deal more; and that those who look for a revenue from the provinces, never could have pursued, even in that light, a course more directly repugnant to their purposes.

"Now sir, I trust I have shown, first on that narrow ground which the honourable gentleman measured, that you are like to lose nothing by complying with the motion, except what you have lost already. I have shown afterwards, that in time of peace you flourished in commerce, and when war required it, had sufficient aid from the colonies, while you pursued your ancient policy; that you threw every thing into confusion when you made the stamp act; and that you restored every thing to peace and order when you repealed it. I have shown that the revival of the system of taxation has produced the very worst effects; and that the partial repeal has produced, not partial good, but universal evil. Let these considerations, founded on facts, not one of which can be denied, bring us back to our reason by the road of our experience.

"I cannot, as I have said, answer for mixed measures; but surely this mixture of lenity would give the whole a better chance of success. When you once regain confidence, the way will be clear before you. Then you may enforce the act of navigation when it ought to be enforced. You will yourselves open it where it ought still further to be opened. Proceed in what you do, whatever you do, from policy, and not from rancour. Let us act like men, let us act like statesmen. Let us hold some sort of consistent conduct. It is agreed that a revenue is not to be had in America. If we lose the profit, let us get rid of the odium.

"On this business of America, I confess I am serious even to sadness. I have had but one opinion concerning it, since I sat and before I sat in parliament. The noble lord(1) will, as usual, probably, attribute the part taken by me and my friends in this business, to a desire of getting his places. Let him enjoy this happy and original idea. If I deprived him of it, I should take away most of his wit, and all his argument. But I had rather bear the brunt of all his wit, and indeed blows much heavier, than stand answerable to God for embracing a system, that tends to the destruction of some of the very best and fairest of his works. But I know the map of England, as well as the noble lord, or as any other person; and I know that the way I take, is not the road to preferment. My excellent and honourable friend under me on the floor,(2) has trod that road with great toil for upwards of twenty years together. He is not yet arrived at the noble lord's destination. However, the tracks of my worthy friend are those I have ever wished to follow; because I know they lead to honour. Long may we tread the same road together; whoever may accompany us, or whoever may laugh at us on our journey. I honestly and solemnly declare, I have in all seasons adhered to the system of 1766,(3) for no other reason, than that I think it laid deep in your truest interests—and that, by limiting the exercise, it fixes on the firmest foundations, a real, consistent, well grounded authority in parliament. Until you come back to that system, there will be no peace for England."

The efforts of Burke and his party were ineffectual. The motion was lost by a large majority. The ministry had previously fixed upon an opposite policy. Conceiving that the cup of conciliation was exhausted, they had already determined to exchange it for a system of coercion, of rigorous and unmitigated severity.(4)

"This question being dismissed, the house proceeded to the second reading of the bill 'for regulating the government of the Massachusetts-bay.' In support of it, Mr. *Welbore Ellis*, asserted, that it was the duty of the crown to take away or alter charters, if they were found deficient of the purpose intended. That the American papers on the table were sufficient evidence of the fact, and that it was not necessary for any further hearing on either side. Great inconveniences, he said, had arisen from the present form of government, which frequently retarded business, but

(1) Lord North. (2) Mr. Dowdeswell. (3) Repeal of stamp act. (4) Upon the question, whether a committee should be appointed to take into consideration the repeal of the duty; *Ayes* 49, *Noes* 183.

which would be removed by this bill. Mr. Charles Jenkinson said, it was right to take away charters if they were abused; and to govern the Americans, as they were not capable of governing themselves. Mr. Jeremiah Dyson, contended, that the house proceeded, not as a court of justice, but in their legislative capacity, regulating and supplying the deficiencies in charters which had been granted by the crown.

"On the other side, General Conway pleaded, that the Americans had done no more than every subject would do in an arbitrary state, where laws are imposed against their will. He thought taxation and legislation in that case inconsistent; and asked, have you not a legislative right over Ireland? Yet no one will say we have a right to tax Ireland—He predicted, that these acts respecting America, would involve this country and its minister in misfortunes, and he wished it might not be added, in ruin.

"Mr. Pownall, who had been some years governor of Massachusetts-bay, spoke ably on the form of government in that province, and concluded with characterizing the Americans as a conscientious, religious, peaceable set of people; and added, that a more respectable set of men did not exist in all his majesty's dominions.

"Sir Edward Astley hoped, that if we had had a twelve years lenity and inactivity, we should not now proceed to have a twelve years cruelty and oppression. He deemed the measure to be a harsh one, and unworthy of a British legislature.

"Mr. Dowdeswell pleaded strongly and ably, that the province should be *heard* before an act was passed, which would entirely deprive it of its chartered rights. He presented a petition from Mr. Bollan, agent for the council of the province, praying that the bill might not pass into a law, until he should have time to receive answers from thence to letters which he had sent. The prayer of this petition, he said, was so perfectly reasonable, that it appeared impossible to be rejected out of the court of the inquisition. The petition was rejected. The bill was carried on the second reading without a division.

"Lord North then proposed a *third* bill, which he hoped would effectually secure the province of Massachusetts-bay from future disturbances. He said, the *juries* of that country were not established after the manner in which our juries here are; and therefore were not so likely to give to each offender that impartial trial, which, by the laws of this country he was entitled to. By the bill which he meant to propose, whenever it should be found in that country, that a man is not likely to meet with a fair impartial trial, the governor should be empowered to send him to any of the other colonies, where the same kind of spirit has not prevailed; but if it should be thought that he cannot have a fair and impartial trial in any of the Colonies, in such a case, the party accused shall be sent to Great-Britain, to be tried before the Court of King's-bench; the expenses of which trial, to be drawn for on the customs of England. Such a measure, he trusted, would show to America, that this nation is roused to defend its rights, and to maintain the peace and security of its Colonies; and when roused, that the measures taken are not cruel nor vindictive, but necessary and efficacious. His lordship proposed, that the bill should continue in force for three years, and declared it to be the *last* measure that parliament would take: after which, it required, that his majesty's servants there should be vigilant in the execution of their duty, and keep a watchful eye over every encroachment upon these newly created powers, and not suffer the least degree of disobedience to their measures to take place in that country. The customary *relief of troops*, he said, which was *four regiments*, were ordered for *Boston*; and General Gage would go out with them as commander in chief, and governor of the province. He then moved for leave to bring in a bill, "*for the impartial administration of justice, in the cases of persons questioned for any acts done by them, in the execution of the laws for the suppression of riots and tumults, in the province of Massachusetts-bay in New-England,*" (1) and produced prece-

(1) 12 Stats. 75. 14. Geo. 3. c. 39. passed May 20 1774. *It recites an attempt lately made in that colony, by open force to throw off the authority of parliament &c. and that it is necessary means be taken to enable the magistracy &c. to support the laws &c. and enacts "That if an indictment is found for murder, or other capital offence in that colony, against any officer, or person who was acting at the time in support of the revenue laws, or against any officer of the revenue, or person aiding or assisting in the cases aforesaid; that the Governor, upon information given of this fact on oath, and being of opinion that an indifferent trial cannot be had in the colony, with the advice of his council, may send the indictment and person charged, to be tried in some other of his majesty's colonies, or to Great-Britain."*

It then provides for the binding over witnesses on the part of the prosecution, by the Governor, to appear &c. their expenses to be fixed by him, to be paid (before hand) by a collector of the customs: that all witnesses so under recognisance, shall be free from arrest, going, staying, and returning.

dents, to warrant the measure, which were, that the *habeas corpus* act had been suspended in the year 1745. That smugglers apprehended for offences committed on the coast of Sussex, had been made triable in the county of Middlesex, and the Scotch rebels in England.

"The *opposition* denied the necessity of this act, even on the supposition, that justice might be perverted in New England; because, in such cases the prerogative of the crown might step in, and the governor might reprieve any one, who appeared to be convicted illegally or unjustly.

"Colonel Barre', declared he rose with great unwillingness to oppose this bill in its very infancy, before its features were well formed, and to claim that attention, which the house seemed to bestow with great reluctance on any arguments in behalf of America. Whilst their proceedings, severe as they were, had the least colour of justice, he said, he desisted from opposing them; and although the bill for shutting up the port of Boston, contained in it many things most cruel, unwarrantable, and unjust; yet, as it was couched under those general principles of justice, retribution for injury, and compensation for loss sustained, he desisted from opposing it. The bill was a bad way of doing what was right, but still it was doing what was right. As to the bill then before the house, he pronounced it to be unprecedented to any former proceedings of parliament; and unwarranted by any delay, denial, or perversion of justice in America. It was so big with oppression and misery to that country, and with danger to this, that the first blush of it was sufficient to alarm and rouse him to opposition. It went to stigmatize a whole people as persecutors of innocence, and men incapable of doing justice, without a single fact being produced, on which to ground the imputation.

"On the contrary, the instances which have happened, are direct confutations of such charges. The case of Capt. Preston was recent; this officer and some soldiers had been indicted at Boston for murder, in killing some persons in the suppression of a riot; they were fairly tried and fully acquitted. It was an American jury, a New-England jury, a Boston jury, which tried and acquitted them. Capt. Preston has under his hand, publicly declared, that the inhabitants of the very town where their fellow citizens had been slain, acquitted him. This is the very case the act supposes. Is this the return made them? Is this the encouragement given them to persevere in so laudable a spirit of justice and moderation? He denied that the cases of trials for smuggling, and of treason in the last rebellion, did at all apply to the present case, because the inconveniencies of prosecution or defence, were comparatively insignificant, on account of the little distance to which the trials were removed.

"He took notice of Lord North's expression, 'we must show the Americans, that we will no longer sit quiet under their insults,' and called it mere declamation, unbecoming the character and place of him who uttered it. He asked, in what moment have you been quiet? Has not your government for many years past been a series of irritating and offensive measures, without policy, principles or moderation? Have not your troops and your ships made a vain and insulting parade in their streets and in their harbours? It has seemed to be your study to irritate and inflame them. You have stimulated their discontents into disaffection, and you are now goading their disaffection into rebellion. Can you expect to be well informed when you listen only to partizans? Can you expect to do justice, when you will not hear the accused?

"After having endeavoured to show that the bill was without precedent to support it, or facts to warrant it, he proceeded to represent the consequences which it was likely to produce. A soldier feels himself so much above the rest of mankind, that the strict hand of the civil power is necessary, to check and restrain the haughtiness of disposition which such superiority inspires. What constant care is taken in this country, to remind the military that they are under the restraint of the civil power! In America, their superiority is felt still more. Remove the check of the law, as this bill proposes, and what insolence, what outrage, may you not expect? Every passion that is pernicious to society, will be let loose upon a people unaccustomed to licentiousness and intemperance. These people, who have been long complaining of oppression, will see in the soldiery those who are to enforce it upon them; whilst the military, strongly prepossessed with the idea of that people being rebellious, unawed by the civil power, and actuated by that arbitrary

And enacts, "that every person charged with murder, or a capital offence, in the cases aforesaid, and brought before any justice of the peace, or coroner, shall be admitted to bail &c."

"That where persons are brought to trial, in such cases, in the colony and at the time of trial, shall request time to apply to the Governor, to be tried in another colony, or in G. Britain, the trial shall be postponed a reasonable time, for such application to be made."

And provisions are introduced, regulating the manner of transmitting the indictment, trial &c.

spirit which prevails in the best troops, will commit violences which might rouse the tamest people to resistance, and which the vigilance of their officers cannot effectually restrain. The inevitable consequence will be open rebellion, which you profess by this act to obviate. I have been bred a soldier, (1) he continued, have served long; I respect the profession, and live in the strictest habits of friendship with many officers; but there is not a country gentleman of you all, who looks upon the army with a jealous eye, or would more strenuously resist the making them independent of the civil power, than myself. No man is to be trusted in such a situation. It is not the fault of the soldier, but the voice of human nature, which, unbridled by law, becomes insolent and licentious. When I stand up an advocate for America, I feel myself the firmest friend of this country. We owe our greatness to the commerce of America. Alienate your colonies, and you destroy the genuine supply which nourishes your own strength. Let the banners of rebellion be once spread in America, and you are an undone people. You are urging this desperate, this destructive issue. You are urging it with such violence, and by measures tending so manifestly to that fatal point, that though a state of madness only could inspire such an intention, it would appear to be your deliberate purpose. You have changed your ground; you are becoming the aggressors, and are offering the last of human outrages to the people of America, by subjecting them, in effect, to military execution. I know the vast superiority of your disciplined troops over the provincials; but beware how you supply the want of discipline by desperation. Instead of sending them the olive-branch, you have sent the naked sword. By the olive branch, I mean a repeal of all the late laws, fruitless to you and oppressive to them. Ask their aid in a constitutional manner, and they will give it to the utmost of their ability. They never yet refused it when properly called upon. Your journals bear the recorded acknowledgments, of the zeal with which they have contributed to the general necessities of the state. They may be flattered into any thing, but they are not to be driven. Have some indulgence to your own likeness; respect their sturdy English virtue; retract your odious exertions of authority; and remember,—that the first step towards making them contribute to your wants, is to reconcile them to your government.

“An old member, (Mr. *Rose Fuller*,) who was very rarely adverse to ministry, strenuously opposed this bill, and concluded his speech with these remarkable words: “I will now take my leave of the whole plan. *You will commence your ruin from this day.* I am sorry to say, that not only the house has fallen into this error, but the people approve of the measure. The people, I am sorry to say, are misled. But a short time will prove the evil tendency of this bill. If ever there was a nation running headlong to ruin, it is this.”

“On the 8th of *May*, Sir *George Saville* moved for leave to present a *petition* from the natives of America resident in London, against the two bills then depending, which was admitted.

“Therein it was asserted, that a charter, so granted as that of the 3rd of *William and Mary* to the province of Massachusetts bay, was never before altered or resumed, but upon a full and fair hearing; that therefore the present proceeding is totally unconstitutional, and sets an example, which renders every charter in Great Britain and America entirely insecure. The appointment and removal of the judges at the pleasure of the governor, with salaries payable by the crown, puts the property, liberty, and life of the subject, depending on judicial integrity, in his power. The petitioners perceive a system of judicial tyranny deliberately at this day imposed upon them, which, from the bitter experience of its intolerable injuries, has been abolished in this country.” It then proceeded to state the objections to the other bill, for the more impartial administration of justice in the province of Massachusetts bay; many of which were similar to those urged by colonel *Barre'*, which have been already stated. The bill, says the petition, by giving a dispensing power to the governor, advanced as he is by the former bill above the law, and not liable to any impeachment from the people he may oppress, must constitute him an absolute tyrant. No history can show, nor will human nature admit of, an instance of general discontent, but from a general sense of oppression. The petitioners wished they could possibly perceive any difference between the most abject slavery, and such entire submission to a legislature, in the constitution of which they have not a single voice nor the least influence, and in which no one is present on their behalf. They regarded the giving their property by their own consent alone, as the inalienable right of the subject, and the sacred bulwark of constitutional liberty: to deprive the colonies

(1) *He served under Gen. Wolfe, and was in the action of Sep. 13, 1759, at the capture of Quebec, when Wolfe fell: 6 Generals were killed or wounded: the loss of the English 500 and that of the French 1500 men.*

therefore of this right, is to reduce them to a state of vassalage, leaving them nothing they can call their own; nor capable of any acquisition, but for the benefit of others. They entreated the house to consider, that the restraints which the examples of such severity and injustice impose, are ever attended with the most dangerous hatred. In a distress of mind which could not be described, the petitioners conjured the house, not to convert their zeal and affection, which have hitherto united every American hand and heart in the interests of England, into passions the most painful and pernicious. Most earnestly they beseeched the house not to attempt reducing them to a state of slavery, which the English principles which they inherit from their mother country, will render worse than death.'—Nevertheless, the 'bill for regulating the government of Massachusetts bay' was, that same day, carried by a majority of almost five to one; 127 to 26.

"In the house of *lords*, the absolute necessity of a powerful and speedy remedy for the cure of a government, which was so totally debilitated as that of Massachusetts bay, was the chief reason assigned for the haste with which the bill was carried through, and for declining to hear evidence at the bar, and for departing from the ordinary rules by which judicial proceedings are regulated. The lords in administration endeavoured to prove, that the process was not of a penal nature; so far from it, that it was beneficial and remedial: they went so far as to assert it to be a great improvement in the Massachusetts form of government, because it brought it nearer to the English model. All these assumptions were controverted by the minority lords, who strenuously opposed the bill, without being able to make any converts to their opinion. It passed on the 11th of *May*, 92 against 20. The licentiousness of the people, was hereby to be suppressed by the licentiousness of power. A *protest* was however entered on the journal, which was signed by eleven lords.(1)

"In this protest it was maintained, that the rights which the inhabitants of Massachusetts bay enjoyed by virtue of their charter, could not be properly taken away, without the definite legal offence by which a forfeiture is incurred, being first clearly stated and fully proved; and the parties affected by such proceedings, should have had notice of the process, in order that they might plead in their own defence. Such a mode of proceeding is not technical formality, but substantial justice. It proceeded to say, 'that if the numerous land and marine forces which were ordered to assemble in Massachusetts bay, were not sufficient to keep that single colony in any state of order, until the cause of its charter can be fairly and equally tried, no regulations in this bill, nor in any other brought into that house, are sufficient for that purpose.' Another objection made was, 'because the appointment of all the members of the council, which this bill vested in the crown, is not a proper provision for the equilibrium of the colony constitution: the crown being empowered to increase or lessen the number of the council, on the report of the governor; which tends to destroy freedom of deliberation, and wholly to annihilate its use.' The regulation respecting the *sheriffs*, was another innovation strongly objected to in this protest; the appointment of whom, being by the will of the governor only, and without requiring in the person appointed any local or other qualification, and making that officer changeable by the governor and council as often, and for such purposes, as they shall think expedient; is a power which the British constitution has not trusted to his majesty and his privy council. Hereby the invaluable right of trial by jury, is turned into a snare for the people, who have hitherto looked upon it as their main security against the licentiousness of power. It concludes with saying, 'If the force proposed shall have its full effect, that effect, we greatly apprehend, may not continue longer than whilst the sword is held up. To render the colonies permanently advantageous, they must be satisfied with their condition.'

"The reception given to the other bill, which went 'to regulate the administration of justice in Massachusetts bay,' in the house of lords, was similar to that which changed the nature of its government, where it was carried through 43 to 12, [*May 18, 1774.*] The minority lords on this occasion likewise entered a very strong protest,(2) in which they assigned, among other reasons for their dissent from the bill, 'that after the proscription of the port of *Boston*, the disfranchisement of the colony of Massachusetts bay, and the variety of provisions which have been made in the session for new modeling the whole polity and judicature there, this bill is an humiliating confession of the weakness and inefficacy of all the proceedings of parliament, by supposing that it may be impracticable, by any means which the publick wisdom could devise, to obtain a fair trial there, for any who act under government. By the bill therefore it is virtually acknowledged, that

(1) *Viz. Richmond, Portland, Abingdon, King, Effingham, Ponsonby, Rockingham, Abergavenny, Leinster, Craven, Fitzwilliam.*

(2) *The protesting lords were Richmond, Fitzwilliam, Ponsonby, Rockingham, Portland, Craven, Leinster, Manchester.*

the British government is universally odious to the whole province; and that it is, or may become, hateful to all the colonies: which is to publish to all the world, in terms the most emphatical, the little confidence the supreme legislature reposes in the affections, of so large and so important a part of the British empire. The bill therefore amounts to a declaration, that the two houses of parliament know no means of retaining the colonies in due obedience, but by an army rendered independent of the ordinary course of law, in the place where they are employed.' They likewise dissent, 'because they think that a military force sufficient for governing upon this plan, cannot be maintained without the inevitable ruin of the nation:' and lastly, 'because the bill seems to be one of the many experiments, towards an introduction of essential innovations into the government of the empire.'"(1)

Another bill was introduced and passed, "for the better providing suitable quarters for the officers and soldiers, in his majesty's service in America."(2)

By the existing law, for *quartering* the king's troops in North America, it was understood, that troops could not be quartered in *private* buildings, where barracks had been built sufficient for their reception, in any town, district, or place:

As it was determined general Gage should put his forces, in the most imposing situation at Boston, where the barracks were ample, but at some distance from the central parts of the town; this act was passed more effectually to overawe the people:—It recites "that it might frequently happen, the situation of the barracks in a colony, city, district, or place, might be such as that the troops quartered therein, would not be stationed where their *presence may be necessary* and required;" and then enacts, "that in such cases, on the requisition of the commander in chief, of his majesty's forces in North America, made to the (*proper authority*), in each town or place in any of the provinces, &c. such authority, shall cause the officers and troops to be quartered and billeted, as by law directed, where no barracks had been erected." (Viz. In unoccupied *private* houses and buildings.)

It then further enacts, "that if on such requisition, no quarters are provided within 24 hours after demand; it shall be lawful for the governor of the province, to order and direct so many *uninhabited* houses, out houses, barns, or buildings, to be taken and fitted up for their reception, for such time as he might think proper, making a reasonable allowance for the same."

This act gave the highest offence, as private houses which might be unoccupied for a day, could be seized, and made the rendezvous of soldiers; but what more than this affected the minds and spirits of freemen was, the insulting-exercise of ministerial power, in subjecting their houses and fire sides, to the inspection and control of an insolent and brutal soldiery! The term "*uninhabited*" was a description, which authorised the occupation of *publick* buildings, not in the immediate occupancy of a keeper, or tenant.

[June 22.] "A bill had passed the house of lords with little notice, and but weak opposition, (41 to 15,) for the purpose of '*making more effectual provision for the government of the province of Quebec, in North America*;'(3) and was brought to the commons on the 18th of May. On the second reading it was very strongly opposed.

"By his majesty's proclamation, dated 7th of October 1763, the countries, territories, and islands ceded by the peace, were declared to be formed into four distinct governments, viz. Quebec, East Florida, West Florida, and Grenada, by virtue of letters patent, under the great seal of Great Britain; and the respective governors were vested with express power and direction, that as soon as the state and condition of the said colonies would admit thereof, they should, with the advice and consent of the members of their respective provincial councils, summon and call the general assemblies within the said governments respectively, in such manner and form as is used and directed in those provinces and colonies in America, which are under the immediate government of the crown. And the governors were thereby farther empowered, by the consent of the council and representatives of the people so summoned, to make, constitute and ordain laws, statutes, and ordinances, for the publick peace, welfare, and good government of their colony, *as near as may be agreeable to the laws of England*, under such restrictions and regulations as are used in other colonies. And until such a form of government can be established, all persons inhabiting in, or resorting to these colonies, were assured of the royal protection for the enjoyment of the bene-

(1) *North's Admin.* (2) *XII Stats.* 96. 14 Geo. 3. c. 54. June 22, 1774.

(3) *XII Stat.* 83. 14 Geo. 3. c. 83.—It passed June 22, 1774, when the king put an end to this 7 session of the 13 parliament, a session which roused America to arms! I have not given the parts entire of this act, being long publick, and stated in the debates.

fit of the English laws; for which purpose courts of judicature were directed to be constituted to determine all causes, as well criminal as civil, according to law and equity, and as near as may be agreeable to the laws of England, with a right of appeal to the king's privy council, under the usual limitations and restrictions.

"The *Quebec* bill went to establish most important regulations. Its first object was, to *affix new boundaries* to the province: in doing which, it in fact, renounced the claims which had been made by the commissioners, appointed by the British court to settle with the French, the limits of Nova Scotia, or Acadia, after the peace of Aix-la-Chapelle; for it made the province of Quebec, or Canada, to extend along the southern coast of the river St. Laurence, from Chaleur Bay almost to Crown point; to maintain the contrary of which, was the principal business of that commission. The bill, in farther describing the new limits to the province, carried them over the whole interior country which lay behind the New England provinces, together with those of New York and Pennsylvania, to the borders of the Ohio. The limits would most probably have been extended quite to the back of Georgia, if the charter granted to the province of Virginia had not conveyed the right to all the lands westward, quite to the river of Mississippi; so that here the progress was stopped, and it was struck off westward, through no less than ten degrees of longitude, to the eastern banks of the Mississippi, from whence it proceeded northward, until it touched the southern boundary of the lands granted to the Hudson's Bay company, being from about the fortieth to the fiftieth degree of latitude. These regions, in which nature delights in the majestic, include the five great lakes, are much more extensive than the kingdom of France, and are capable of subsisting a larger number of inhabitants. The other grand object in the bill was, to *new model* the government of a province, thus extended to the circumference of a mighty empire. It granted the *free exercise of the religion of the church of Rome*, subject to the king's *supremacy*; and granted to the clergy of that church, the power of holding, receiving, and enjoying their accustomed dues and rights, with respect to such persons only, as shall profess that religion; a right being reserved in his majesty, to make such provision out of the rest of the accustomed dues and rights, for the encouragement of the protestant religion, and for the maintenance and support of a protestant clergy within the province, as shall appear necessary and expedient. In all matters of controversy, relative to property and civil rights within the province of Quebec, resort to be had to the *laws of Canada*,⁽¹⁾ as the rule for the decision of the same. The governor, lieutenant-governor, or commander in chief, with the consent of the legislative council, have the power of enacting new laws, except such as lay any tax or duty, and repealing or altering old ones; but all such acts must receive the royal approbation, to be in force. Real and personal estates might be disposed of by will, if executed either according to the laws of Canada or England. The *criminal law of England* was, by this bill, continued in the province. The *provincial assembly* was hereby *abolished*, by being suspended in the following terms, 'and whereas it is at present inexpedient to call an assembly,' and the *council* to consist of no more than twenty-three, or less than seventeen, composed of persons resident in the province, and appointed by the king.

"Mr. *Dunning* called it the most pernicious bill ever offered to parliament. He represented the form of government thereby given to the inhabitants of Canada, as essentially the same in form, and more liable to abuse, than the one they had formerly enjoyed under the crown of France; and that the ecclesiastical establishment granted to them, was intended to cheat them out of their civil liberties as British subjects. It was intended, he said, to operate two ways, first, for establishing *arbitrary power* in that vast extent of country; and secondly, to employ that power, thus modified and rendered obedient to the will of the possessors, in assisting to *overthrow the liberties of America*. Mr. *Thurlow* (attorney-general) statéd to the house the different governments which had prevailed in Canada, from the first settling in that country by the French; and contended, that it was dangerous, cruel, and unprecedented, to establish new laws in a conquered country. General *Carleton*, governor of Canada, was examined. He showed the inconsiderable number of protestants settled in Canada, compared with those who professed the Roman catholic faith. The inhabitants in general, he said, liked the old French laws in preference to the English form of government; and he was of opinion, the bill then depending would be generally relished. In the progress of the business many other witnesses were examined; viz. Mr. *Hay*, chief justice of that province; Mr. *Mazeres*, cursitor-baron of the exchequer, and late attorney-general there, and agent to the English inhabitants of Canada; Dr. *Marriott*, the king's advocate-general in England; Mons. *Lolbiniere*, a French gentleman of considerable property in Canada. It was proposed that

(1) *Civil law, no trial by jury.*

general Murray, who was the first British governor of the colony, and continued in that capacity several years, should be summoned to attend, but it was overruled. The information obtained by these witnesses was, principally, as to the preference given by the French inhabitants to the French or English laws; and it seemed pretty evident, that different sentiments prevailed among different ranks and conditions; the gentry made choice of the French code, the middle order and peasantry, preferred the English laws.

"A petition was presented to the house from Thomas and William Penn, owners of a great part of the province of *Pennsylvania*, representing the great injury their property would receive by the bill, and praying to be heard by counsel. Another petition was presented, signed by several merchants trading to Canada, which set forth, that several clauses in the bill would materially affect their property. Counsel was heard at the bar in behalf of both petitions. A petition was likewise presented by the city of London against the bill. Serjeant Glynn insisted, that it was a breach of the royal promise contained in the proclamation in the year 1763, which declared, that all persons who would go over to Quebec, should be entitled to the same laws and protection as they had had in England; whereas the bill before the house went to establish *French laws, and the Roman catholick religion*. In reply to the attorney-general, he showed, that it was far from being unprecedented to introduce a new code of laws into a conquered country, Ireland and Wales were proofs thereof.

"In support of the bill it was urged, 'that the laws which regarded personal property, and contracts between man and man, were much the same in France as in England. The French had no notion of a *trial by jury*, and disliked it as an innovation. The treaty of Paris, it was said, had secured to the French Canadians the free exercise of their religion, as far as was consistent with the laws of England; and our penal laws with respect to religion, it was asserted, did not extend beyond this kingdom, as the king's supremacy did; and the Roman catholics of Canada were obliged by the act to give a proof of their allegiance, by taking an oath which was therein prescribed, against all such papal claims as interfered therewith. The securing the Romish clergy their tythes by the act, was no more than placing them in the condition which they stood in at the conquest; subject however to this disadvantage, that no person professing the protestant religion was to contribute any thing to their support. The extension of the boundaries of the province beyond the limits prescribed in the proclamation, was justified by the plea, that several French families were settled in remote parts of the country, beyond the former districts, and an entire colony was established among the Illinois Indians.

"The opposition to the bill, was founded on the monstrous incongruity which appeared, in a British legislature establishing a form of arbitrary government in any part of the empire. Such a conduct was unknown in the history of this country, and would have been execrated at any other time than the present. The setting aside the assembly of the province, was imputed to the utter dislike which the ministry bore to such popular deputations, as well as to all the rights of the people at large. The measure was called an experiment for setting up an arbitrary government in one colony, which may be more patient of it than the rest, in order to extend by degrees that mode of ruling to all the others. It was asked, why is a *trial by jury* abolished in suits at law? Can the people be thought to have an objection to trust their poverty to a tribunal, to which they have trusted their lives? They insisted, that the grand security of their liberty is, the power of having civil actions tried by a jury; as in cases of arbitrary imprisonments, and many other violations of the right of the subject, the redress has been always sought in such a way. The English residing in Canada and the merchants of Great Britain, who trusted their property on a presumption that it was under the protection of the English laws, would be greatly aggrieved in being subjected to French customs and French forms of trial. The regulations hereby made with respect to the religion of the country, was much objected to. Every one seemed willing to allow the most extensive toleration to the Roman catholick religion, but many warmly opposed the establishment of that religion throughout the province, and giving protestantism no more than a toleration. The popish clergy gain a legal parliamentary right to a maintenance, the protestant clergy are left at the king's discretion. Both ought at least to be put on an equal footing, and legal support provided for both.

"This bill occasioned greater debates, and larger minorities upon each division, than any of the bills respecting America, which had been before the house of commons this session. Many amendments were made to it, and the minority laboured to give a *trial by jury* at the option of the parties; but in this they failed, as well as in obtaining for the Canadians the privilege of the writ of *habeas corpus*. In consequence of the amendments, it was sent back to the lords for

their concurrence; which furnished lord *Chatham* with an opportunity of entering very fully into the merits of the bill. The amendments were agreed to, twenty-five against seven. The Lord mayor, aldermen, and commons of the city of London, presented an *address* to his majesty, praying that he would not give his royal assent to the Quebec bill; immediately on receiving of which, he went to the house of peers, and gave his royal assent to such bills as were ready, of which this bill was one, and then put an end to the session. *June 22.*

"It is very remarkable, that all the regulations made in this session of parliament, respecting the government of the American colonies, were in exact conformity to governor *Hutchinson's* idea of colony administration, as expressed in an extract from one of his letters, which we have given, (p. 60, 61.) By extending the limits of the province of Quebec, to all lands situated behind the northern and middle colonies, which were not expressly included in any charter, if any settlements were already made by any of the colonists on parts out of their limits, which was very probable, such settlers would be immediately deprived of their democratic form of government. It also circumscribed old colonies within certain limits, which if, in future times, should be found too narrow for their increased population, those who sought new possessions would be obliged to relinquish their chartered form of government.

"Another act(1) which affected the province of Quebec, received the royal assent at the same time; the purport of which was, to establish a fund towards further defraying the charges of the administration of justice, and support of the civil government within that province. The French had laid duties on rum, brandy, and other liquors imported into the province of Quebec; and upon all dry goods into, and exported from that province; all of which, by this act, were taken off, and in their stead was laid a duty of three pence per gallon on brandy and other spirits, the manufacture of Great Britain. On West India rum or other spirits, six pence per gallon; American, nine pence; rum or spirits of foreign manufacture one shilling. Molasses and sirups were to pay similar duties, according to the ports from whence they were brought. The same act obliged every person keeping a house of publick entertainment, or retailing wine or other liquors, to take out a licence, for which he was to pay thirty six shillings. The revenue arising from the duties on merchandize, was appropriated to defraying the expenses of the administration of justice, and the support of the civil government in the province: the money arising from licences was granted to his majesty. This act therefore, served to establish in the province, both commercial and internal taxation; as well as the right of parliament to dispose of the money raised by taxes there, either to the support of the province, or for any other purpose they should think proper to apply it to. This act was essential to the perfecting of that system of government which was framed for Quebec. (It served also to establish a precedent against the other colonies.) Notwithstanding which, it was little noticed, either in its progress through the two houses, or by the people at large."(2) (3)

(1) XII Stat. 201. 14 Geo. 3. c. 88.—(2) *North's Admin.* (3) It is proper here to add, that this parliament never met again, after its prorogation, June 22, 1774, for on the 30th of September the parliament was suddenly dissolved by a royal proclamation, after having sat six years, and the writs for electing a new house of commons, were returnable on the 29th of November following. As this was a very unexpected measure, because an unusual exertion of the regal prerogative, no similar instance having happened for almost thirty-one years, it gave the ministry great advantages in the election of members. Indeed the exigencies of the crown and the state of publick affairs were such, that administration could not allow that the next session of parliament should be employed in framing such popular acts, as constantly take place in the last session of parliament. The ministry had very important, and not very agreeable objects before them; the one was, to pay off the debts incurred upon the civil list establishment, and to obtain an increase in the annual revenue; the other, to bring the Americans to unconditional obedience, and only a house of commons which was just entered on its functions, could venture to concur in such designs.

Although the parliament which was now dissolved, had, in some particular instances, gone counter to the minister, and left him in a minority; a conduct, which had ever been considered in former administrations as portending his removal, yet no one of these instances was succeeded by any diminution of the minister's influence, in any of the grand objects pursued by government; on the contrary, his lordship seemed, like *Anteus*, to gain strength by every fall. In no parliament since the revolution, did the crown obtain so great an increase of influence as in this we are speaking of. A parliament in the reign of Richard II. was called "the wonder working parliament," because it punished the judges and ministers with severity, and endeavoured to reconcile the king and his people. Other parliaments have likewise been distinguished by titles, expressive of the general tendency of their conduct; on which account that house of commons, which increased the national debt upwards of sixty millions during the last war, has been called by some "the prodigal parliament." On the same principle, the thirteenth parliament of Great Britain may with propriety be entitled, "the regal parliament." At the close of it, lord

From what precedes, it appears that parliament, on account of the reception of the "tea ships" at Boston and elsewhere, in *Dec. 1773*, instead of retracing the fatal step they had taken, in *June* of that year, which authorised the *India co.* to send it out, and also repealing the original act of 1767; resolved on *coercion*; and at this their 7th session (begun in *January 1774*), passed those highly penal and alarming acts, *namely*, the "Boston port bill," in *March*; that for the "impartial administration of justice in Massachusetts," that for "changing its charter and form of government," and that for "quartering soldiers," in *May*; and the "Quebec bills," in *June*; and were then prorogued, and finally, *Sept. 30th*, dissolved, as more particularly stated in the preceding detail.

No doubt, as was often repeated in the debates on those bills, parliament conceived, "they would bring the *Americans* to submission."

It will be remembered also, that immediately on the passage of the "Boston port bill," in *Mar.* and with a view to enforce that, and the subsequent measures; general *Gage* was appointed commander in chief of the forces in North America, and governor of Massachusetts Bay, (1) and sailed from England with 4 regiments, for *Boston*, at which place two others were permanently stationed: He arrived [*May 13.*] at which time the news of the "Boston port bill," had been received there.

It is now to be seen, what were the effects of this and the other acts, in America, backed as they were, by a formidable armament, and many reinforcements sent during the summer and fall of this year, to Boston.

[*May 13.*] "When general *Gage* landed on the long wharf, (2) it was thought from appearances, that he had apprehensions of being ill treated by the inhabitants; but though they were highly incensed at the port bill, which they had just received, they behaved toward him with the greatest

(1) *This gentleman had resided a long time, on the American continent, had filled many respectable posts; and rendered himself popular by his general conduct: Little prepared could he have been, to meet so universal and determined a confederacy.—As he had heretofore had many opportunities, of acquainting himself with the temper and disposition of the Americans, it would be a libel on the British cabinet to suppose, that he had not been consulted on the effect which was likely to be produced, from this decisive proceeding of Great Britain, in which case, the opinion which he held cannot be doubted, for by accepting the government, he showed that he flattered himself with the expectation of restoring tranquillity; but human expectancy is the vainest of all vain things!*

On his arrival, Mr. Hutchinson, the late governor, embarked for England; being very much disconcerted and disappointed, that he had not been entrusted with the execution of the ministerial plan, after so much pains taken by him to promote it.

(2) *Boston.*

North appeared to be firmly established in his high office: indeed, his abilities were admirably adapted to the conducting of affairs in the house of commons, by his steady attention and application to business, his coolness in debate, and talents as a speaker: for having now sat in three parliaments, he had corrected very strong natural impediments which lay in the way of his becoming an orator, and had acquired a very agreeable and persuasive elocution, which he employed with great address in foiling the attacks made upon him from various parts of the house. On all occasions he maintained his dignity, without appearing to assume or dictate.

The following is added, taken from this author, merely to show how mistaken lord *North* was in predicting the course which would be taken by *Louis the XVI.*

"On the 10th of May, 1774, died *Louis XV.* king of France, in the sixty-fifth year of his age, and fifty-ninth of his reign, who was succeeded by his grandson *Louis XVI.* then almost twenty years of age; the young king had been four years married to a princess of the house of Austria. On his accession, he found his kingdom recovering from that state of confusion into which it had been plunged by the improvidence of his predecessor; but who, in the latter part of his reign, had applied every method to rectify the disorders of the state. Lord *North* took occasion to speak of this event in the house of commons: he said, 'a great and good prince was dead, who was a man of an amiable and peaceable mind; but his successor, was not only wise and economical, but a pacific prince, who would not enter into any unnecessary war to try projects.' The new reign produced a new minister of finance, *M. Turgot*. The edicts issued during his administration, were phenomena in the political world: an absolute king rendering account to his subjects, and inciting his people to think; a right, which it has been the business of all absolute kings, and their ministers, to extinguish in the minds of men; but the regulations which he aimed at introducing, excited so strong an opposition, that he was soon obliged to quit his post, which was given to a man who afterwards accomplished what the other had attempted in vain, by introducing a very general reformation in the government and affairs of France, so far as the public revenue was concerned."

decency. He was complimented by the council, the gentlemen in the commission of the peace, and others, and afterward sumptuously entertained.

"The next day there was a numerous town meeting, to consider the *port bill*; when they resolved, 'That it is the opinion of this town, that if the other colonies come into a joint resolution to stop all importation from and exportation to Great Britain, and every part of the West Indies, till the act be repealed, the same will prove the salvation of North America and her liberties; and that the impolicy, injustice, inhumanity, and cruelty of the act, exceed all our powers of expression: We therefore leave it to the just censure of others, and appeal to God and the world.' Copies of the act arrived in different parts; were multiplied with incredible expedition, and circulated through the colonies; by which the whole country was inflamed. In some places they were printed upon mourning paper, with a black border, and cried about the streets under the title of '*a barbarous, cruel, bloody and inhuman murder*;' in others, great bodies of the people were called together by advertisement, and the obnoxious law burned with great solemnity, similar to what was done in the time of the stamp act."

In *New York*, upon its first arrival, a great meeting was held; and after much indignant execration upon the act, a committee of 52 named, who immediately wrote to the corresponding committee at Boston, insisting that a "*general congress*" ought to be convened, and recommended to that committee to appoint time and place.(1)

"The Boston committee of correspondence were sensible, that the utmost delicacy and precaution in the use of words and expressions, were requisite in the present state of affairs; that so their enemies might not disappoint them of that support, for which they were to make a general application to all the colonists, and whom they addressed on the head of the port bill, and the distresses coming upon the inhabitants, with the utmost respect; they were careful to insert in all their letters, 'It is hoped that Boston will be considered as *suffering in the common cause*.'

[May 25.] "While these letters were circulating, the period arrived for the meeting of a new general court,(2) which assembled at Boston, when the services of the election day were carried on as usual; but the hearts of many felt sad with the apprehension, that it would be the last of the kind.(3) Their forebodings were increased, by the number and characters of the elected councillors whom governor *Gage* negatived—not less than thirteen. He laid nothing before the court more than the ordinary business of the province; but gave them notice of their removal to *Salem* on the first of June, in pursuance of the act. Learning that the house of assembly, to avoid removing, were hastening through the necessary business with the greatest expedition, he adjourned the general court to the seventh of June, then to meet at *Salem*. Before that day, the inhabitants of several towns and cities, in different parts of the continent, concurred in expressing the greatest disapprobation of the measures pursued against Boston, an abhorrence of the new act, and a condemnation of the principles on which it was founded, with a resolution to oppose its effects in every manner, and to support their distressed brethren, who were to be the immediate victims.

"At *Philadelphia* a subscription was set on foot, for the support of such poor inhabitants of Boston, as should be deprived of the means of subsistence by the operation of the act.

"The *Virginia* house of burgesses (which was in session when the act arrived,) appointed the first of June to be set apart as a day of fasting and humiliation, 'devoutly to implore the divine interposition, for averting the heavy calamity which threatened destruction to their civil rights, and the evils of a civil war; and for giving one heart and one mind to the people, firmly to oppose every injury to the American rights.' This occasioned their dissolution; but before they separated, eighty nine of the members entered into an association, in which they declared, 'That an attack made on one of our sister colonies, to compel submission to arbitrary taxes, is an attack made on all British America, and threatens ruin to the rights of all, unless the united wisdom of the whole be applied.' They recommended to the committee of correspondence, to communicate with the several committees of the other provinces, on the expediency of appointing deputies from the different colonies, to meet annually in general congress, to deliberate on those measures, which the united interests of America might from time to time require.

[June 1.] "Business was finished at the custom-house in Boston at twelve o'clock at noon,

(1) This seems to have been the first proceeding of a direct kind, leading to the appointment of the congress, which met in the month of September ensuing—but there was a general and simultaneous impression, that a "*congress*" should be called; as appears by the *Virginia* recommendations, and that of other meetings on the same occasion. (2) Assembly. (3) It was the last ever held under the royal government.

and the harbour shut up against all vessels bound thither; and after the fourteenth, none were to be allowed to depart. The day was devoutly kept at Williamsburgh in Virginia, as a day of fasting and humiliation. There was a solemn pause in the business of Philadelphia. If we except the Quakers, near nine-tenths of the citizens shut up their houses; and the bells were rung, muffled, all the day. It was observed in other places as a day of mourning.

[June 7.] "The *Massachusetts* general court met at Salem according to adjournment, and a committee was appointed to consider and report the state of the province.(1) Mr. *Samuel Adams* observed that some of the committee were for mild measures, which he judged no way suited to the present emergency. He conferred with Mr. *Warren* of Plymouth upon the necessity of giving into spirited measures, and then said, 'Do you keep the committee in play, and I will go and make a *caucus*(2) against the evening; and do you meet me.' Mr. *Adams* secured a meeting of about five principal members of the house, at the time specified; and repeated his endeavours against the next night; and so as to the third, when they were more than thirty: the friends of administration knew nothing of the matter. The popular leaders took the sense of the members in a private way, and found that they should be able to carry their scheme by a sufficient majority. They had their whole plan completed, prepared their resolves, and then determined upon bringing the business forward. But before they went upon it, the door-keeper was ordered to let no one whatsoever in, and no one was to go out: however, when the business opened, a ministerial member was allowed to go out. He ran to give information of what was doing, and a messenger was dispatched to general *Gage*, who lived at some distance. The secretary was sent off to *dissolve* the general court; [June 17.] found the door fastened; knocked for entrance, but was answered, that the house was upon very important business, which when they had finished they would let him in. As he could obtain no entrance, he read the proclamation upon the steps leading to the representatives' chamber, in the hearing of several members and others on the out-side with him, and immediately after in the council, thus dissolving the general court. The house while sitting with their doors shut, appointed '*Thomas Cushing, Samuel Adams, Robert Treat Paine, James Bowdoin and John Adams, esqs.* as their committee to meet other committees that might be convened the first of *September* at Philadelphia, voted them five hundred pounds lawful (seventy-five pounds sterling) each, and chose a treasurer. They recommended also to the several towns and districts, the raising the said sum, by equitable proportions, according to the last provincial tax—a recommendation which had all the force of a law.'"(3)

"They also passed declaratory resolutions, expressive of their sense of the state of publick affairs and the designs of government, in which they recommended to the inhabitants of that province, totally to renounce the consumption of East India teas, and as far as in them lay, to discontinue the use of all goods imported from the East Indies and Great Britain, until the publick grievances of America should be radically and totally redressed.

"The more fully to effect this essential purpose, it was again strongly recommended to give every possible encouragement to American manufactures."(4)

"Sometime before the dissolution of the general court, near upon three hundred citizens of *Philadelphia* met, and appointed a committee to write to Boston. Their letter was temperate and firm. They acknowledged the difficulty of offering the inhabitants advice upon the sad occasion that existed; wished first to have the sense of the province in general; and observed, that all lenient applications for obtaining redress should be tried, before recourse was had to ex-

(1) *The assembly in this, adhered closely to the example of the English parliament in the reign of Car. 1. They made the consideration of grievances, precede all other business.* (2) *The word caucus and its derivative caucusing, are often used in Boston. The last answers much to what we stile parliamenteering or electioneering. All my repeated applications to different gentlemen, have not furnished me with a satisfactory account of the origin of caucus. It seems to mean a number of persons, whether more or less, met together to consult upon adopting and prosecuting some scheme of policy, for carrying a favourite point. The word is not of novel invention. More than 50 years ago, Mr. S. Adams' father, and 20 others, one or two from the north end of the town, where all the ship business is carried on, used to meet, make a caucus, and lay their plan for introducing certain persons into places of trust and power. When they had settled it, they separated, and used each their particular influence within his own circle. He and his friends would furnish themselves with ballots, including the names of the parties fixed upon, which they distributed on the days of election. By acting in concert together, with a careful and extensive distribution of ballots, they generally carried the elections to their own mind. In like manner it was, that Mr. Samuel Adams first became a representative for Boston.* (3) *Gor.* (4) *Mar.*

tremities. They remarked that it might perhaps be right to take the sense of a general congress, before the desperate measure of putting an entire stop to commerce was adopted; and that it might be right at any rate, to reserve that measure as the last resource, when all other means had failed. They mentioned, that if the making of restitution to the East India Company for their teas would put an end to the unhappy controversy, and leave the people of Boston upon their ancient footing of constitutional liberty, it could not admit of a moment's doubt what part they should take; but they added, 'it was not the value of the tea, it was the indefeasible right of giving and granting their own money, a right from which they could never recede, that was now the matter of consideration.'

"The importance and necessity of a *general congress* was soon felt by every colony, so that the measure taken by Massachusetts, was gradually adopted by the others.

[June 25.] "*Maryland*, whose zeal in the cause of liberty was ardent, had a meeting of the committees appointed by the several counties, at the city of Annapolis, who elected five deputies for that province, 'to attend a general congress at such time and place as may be agreed on, to effect one general plan of conduct, operating on the commercial connexion of the colonies with the mother country, for the relief of Boston and preservation of American liberty.'

"When the opinion of the Boston town-meeting, respecting a joint resolution of the colonies, to stop all importation and exportation till the port bill was repealed, arrived in *South Carolina*; May 13. it was represented to a number of the principal gentlemen in *Charleston*. The mode proposed was thought to be of too much consequence to be adopted, without the universal consent of the people. It was therefore determined to request a meeting of the inhabitants. That this might be as general as possible, circular letters were sent by express to every parish and district within the colony.

[July 6.] (1) "A great number, from almost every part of *South Carolina*, met at *Charleston*. The proceedings of parliament against Boston and the Massachusetts Bay, were distinctly related to this convention of the people; on which, without one dissenting voice, they came into various resolutions. Among others they resolved, 'That five gentlemen be appointed deputies on the behalf of this colony, to meet the deputies of the several colonies in North America in general congress, to consider the act lately passed, and bills depending in parliament, with regard to the port of Boston and province of Massachusetts, also the grievances under which America labours, with full power and authority, in behalf of us and our constituents, to concert, and effectually to prosecute, such legal measures (by which we for ourselves and them, most solemnly engage to abide) as in the opinion of the said deputies, and of the deputies so to be assembled, shall be most likely to obtain a repeal of the said acts, and a redress of these grievances.'—That, while the oppressive acts relative to Boston are enforced, we will cheerfully, from time to time, contribute toward the relief of such persons there, whose unfortunate circumstances may be thought to stand in need of most assistance:—'That a committee of ninety-nine persons be now appointed, to act as a general committee, to correspond with the committees of the other colonies, and to do all matters and things necessary to carry the resolutions into execution; and that any twenty-one of them met together, may proceed on business—their power to continue till the next general meeting.'

"The appointment of the above-mentioned deputies was recognized, ratified and confirmed, by the house of assembly at their next session, on the second of August.

"The *Connecticut* house of representatives, in expectation of the event during their recess, empowered a committee of nine, in case a congress of commissioners from the several colonies should be convened, to meet and choose delegates to serve for that colony, and to correspond with other committees.(2)

"At *Philadelphia*, a petition signed by near nine hundred free-holders was presented to Mr *Penn*, the governor, entreating him to call a general assembly as soon as possible. This request being refused, the province proceeded to the election of deputies, who soon after met at *Philadelphia*.

(3) [July 15.] The resolutions passed at this meeting, carry the marks of cool and temperate de-

(1) Mr. Ramsay says July 18. (2) The committee appointed delegates in July and August. (3) Mr. Ramsay, thus states the proceedings on this refusal. The governor having refused to call the assembly, a general meeting of the inhabitants was requested. About 8000 met and adopted sundry spirited resolutions, June 18. In these they declared, that the Boston port act was unconstitutional—that it was expedient to convene a continental congress—to appoint a committee for the city and county of *Philadelphia*, to correspond with their sister colonies and the several counties of *Pennsylvania*, and to invest that committee with power, to de-

liberation, as well as affection to the mother country, more than those of any others; and are at the same time equally firm in the determination of supporting the colonial rights.

"In them, the deputies set out with the strongest professions of duty and allegiance, and express their abhorrence of every idea of an unconstitutional dependence on the parent state, and the most ardent wishes for a restoration of the former harmony. They reprobate in the strongest terms, the act and bills relative to the *Massachusetts Bay*, and declare that they consider their brethren at Boston, as suffering in the common cause. They insist upon the absolute necessity of a congress, to consult together and form a general plan of conduct for all the colonies. They acknowledge, that a suspension of the commerce of that large trading province with Great Britain, will greatly distress multitudes of their industrious inhabitants, but pronounce themselves ready to offer that sacrifice, and much greater, for the preservation of their liberties; however, they express their desire, that congress will first try the gentle mode of stating their grievances, and making a firm and decent claim of redress. They conclude with declaring, that that province will break off all commercial intercourse whatever, with any town, city or colony, and individuals in them, who shall refuse or neglect to adopt and carry into execution, such general plan as shall be agreed upon in the congress.

"They did not undertake to appoint the delegates, but left it to the Pennsylvania assembly.

[July 22.] The assembly met and made the appointment.

[Aug. 5.] "At a meeting of delegates, from the different counties in *Virginia* at *Williamsburgh*, beside the warmest professions of allegiance and loyalty, and several resolutions in common with the other colonies, they passed others which, considering the circumstances of the colony, with its immediate dependence on the mother country for the disposal of its only staple commodity, must be considered as very deserving of attention, because strongly indicating the true spirit of that people. They resolved not to purchase any more *slaves* from Africa, the West Indies, or any other place; that their *non-importation* agreement should take place on the first of the following *November*, and that if the American grievances were not redressed by the tenth of *August* 1775, they would export after that time, no tobacco, nor any other goods whatever to Great Britain. They recommended the cultivation of such articles of husbandry, instead of tobacco, as might form a proper basis for manufactures of all sorts; and particularly, the improvement of the breed of sheep, the multiplying of them, and the killing as few as possible. They chose as delegates to a general Congress, *Peyton Randolph, Richard Henry Lee, George Washington, Patrick Henry, Richard Bland, Benj. Harrison* and *Edmund Pendleton, Esqrs.*

[Aug. 10.] "At *Newport* in *Rhode Island*, an animated paper was circulated, with the motto 'JOIN or DIE.' The state of Boston was represented as a siege, and as a direct hostile invasion of all the colonies. 'The generals of despotism (it says) are now drawing the lines of circumvallation around our bulwarks of liberty, and nothing but unity, resolution and perseverance, can save ourselves and posterity from what is worse than death—SLAVERY.' The general assembly of the colony chose two deputies, to represent the colony in a general congress; who were legally authorized for that service, under the hand and seal of the governor.

"All the other colonies, from New Hampshire to South Carolina inclusively, adopted the measure of electing representatives to meet in general congress. (1)

"The *Boston* committee of correspondence received the most encouraging answers to their letters; and were assured, that the town of Boston was considered as suffering in the common cause. They had more than the strongest expressions to console them, they had the substantial evidence of facts. Ministry promised themselves great advantages from making *Salem* the seat of govern-

(1) See 1. Journ. cong. p. 2. Georgia was unrepresented in this congress.

termine on the best mode for collecting the sense of the province, and appointing deputies to attend a general congress. Under the sanction of this last resolve, the committee appointed for that purpose, wrote a circular letter [June 28.] to all the counties of the province, requesting them to appoint deputies to a general meeting, proposed to be held on the 15th of July; part of this letter was in the following words: "We would not offer such an affront to the well known publick spirit of Pennsylvanians, as to question your zeal on the present occasion. Our very existence in the rank of freemen, and the security of all that ought to be dear to us, evidently depends on our conducting this great cause to its proper issue, by firmness, wisdom, and magnanimity. It is with pleasure we assure you, that all the colonies, from South Carolina to New Hampshire, are animated with one spirit, in the common cause, and consider this as the proper crisis for having our differences with the mother country brought to some certain issue, and our liberties fixed upon a permanent foundation. This desirable end can only be accomplished by a free communication of sentiments, and a sincere and fervent regard for the interests of our common country."

ment, with the privilege of an open port, while the neighbouring one, in itself of much greater consequence, was shut. But the merchants and freeholders of the town, discovered a most noble spirit; the day after the dissolution of the general court, [June 18.] the merchants and freeholders of *Salem* presented an *address* to the governor, and in it expressed the most generous sentiments. They said, 'We are most deeply afflicted with a sense of our public calamities; but the miseries that are now rapidly hastening on our brethren in the capital of this province, greatly excite our commiseration, and we hope your excellency will use your endeavours to prevent a further accumulation of evils on that already sorely distressed people.'—'By shutting up the port of Boston, some imagine that the course of trade might be turned hither, and to our benefit; but nature, in the formation of our harbour, forbids our becoming rivals in commerce with that convenient mart; and were it otherwise, we must be dead to every idea of justice, and lost to all feelings of humanity, could we indulge one thought to seize on wealth, and raise our fortunes on the ruin of our suffering neighbours.' The *governor* was treated with the highest respect, and mention was made of their hoping much from his general character, as well as from his wisdom and mildness in another command. They expressed the strongest attachment to the mother country, the deepest concern for the present unhappy troubles, and the most fervent wishes for a speedy and happy reconciliation, to obtain which they were willing to sacrifice every thing, compatible with the safety and dignity of British subjects.

"*Marblehead*, a sea-port, about three miles from *Salem*, and equally far with the last from *Boston*, but a town of no great trade, being engaged chiefly in the cod fishery, testified its regard and compassion for the capital, by letting the suffering merchants have the free use of its wharves and stores. Its inhabitants offered also to attend the lading and unlading of their goods, and transact for them all the business to be done at their port, without putting them to the smallest expense.

"The pity and resentment of the country at large, were excited by observations published on the *Boston port bill*. Those of *Josiah Quincy*, Esq. were most generally read and admired. He observed—'The *Boston port bill* condemns a whole town unheard, nay, uncited to answer; involves thousands in ruin and misery, without suggestion of any crime by them committed; and is so constituted, that enormous pains and penalties must ensue, notwithstanding the most perfect obedience to its injunctions. The destruction of the tea, which took place without any illegal procedure of the town, (1) is the only alledged ground of consigning thousands of its inhabitants to ruin, misery and despair. Those charged with the most aggravated crimes, are not punishable till arraigned before disinterested judges, heard in their own defence, and found guilty of the charge. But here a whole people are accused; prosecuted by they know not whom; tried they know not when; proved guilty they know not how; and sentenced to suffer inevitable ruin. Their hard fate, cannot be averted by the most servile submission, the most implicit obedience to this statute. Their first intimation of it was on the *tenth of May*, and it took place the first of *June*, thence to continue in full force, till it shall sufficiently appear to his majesty, that full satisfaction hath been made by or in behalf of the inhabitants of *Boston*, to the *East India company*, for the damage sustained by the destruction of their tea; and until it shall be certified to his majesty, by the governor or lieutenant governor of the province, that reasonable satisfaction has been made to the officers of the revenue and others, for the riots and insurrection mentioned in it. So short a space is given for staying the torrent of threatened evils, that the subject, though exerting his utmost energy, must be overwhelmed and driven to madness, by terms of deliverance which deny relief, till his ruin is inevitable.' (2)

(1) *The vote at Faneuil Hall was, that the "tea should not be landed, but be sent back, in the same bottoms:" ante 62.* (2) *The sudden shutting up the port occasioned infinite distress; "hitherto, that town had been the seat of commerce and of plenty. The immense business carried on therein, afforded a comfortable subsistence to many thousands. The necessary—the useful, and even some of the elegant arts, were cultivated among them. The citizens were polite and hospitable. In this happy state they were sentenced, on the short notice of twenty one days, to a total deprivation of all means of subsisting. The blow reached every person. The rents of the landholders, either ceased or were greatly diminished. The immense property in stores and wharves, was rendered comparatively useless. Labourers, artificers and others, employed in the numerous occupations created by an extensive trade, partook in the general calamity. They who depended on a regular income, flowing from previous acquisitions of property, as well as they who, with the sweat of their brow earned their daily subsistence, were equally deprived of the means of support; and the chief difference between them was, that the distresses of the former were rendered more intolerable by the recollection of past enjoyments. All these inconveniences and hardships, were borne with a passive, but inflexible fortitude. Their determination to persist in the same line of conduct, which had been the occasion of their suffering, was unabated."*

"Others said, 'Had punishment been only threatened, had it been in our option whether we would submit or suffer, the reason for complaint would have been less. But without previous warning, in the proposal of any terms that might have prevented the coming of evil upon us, it is inflicted with ineffable vengeance; so that should we servilely submit to all required, we must notwithstanding suffer almost total ruin. The conditions upon which alone our sufferings are to be removed, far from being fixed with precision, are so loose and indeterminate, that a governor may perpetuate them during his political existence, the king in council not being enabled to open the port without his certificate. The warves and landing places at Boston, which are the property of numerous individuals, are, as to the use of them, wherein only their value consists, wrested out of their hands and put into the king's, to be disposed of at his pleasure. Two warves indeed are to be open again, when his majesty shall think proper; but the residue are for ever interdicted the exercise of commerce.'

"The rough drafts of the bills, 'for the better regulating of the government of Massachusetts bay;' and 'for the impartial administration of justice in it,' as well as of that 'for quartering the troops in America,' upon their arrival at Boston, (1) were instantly circulated through the continent, and filled up whatever was before wanting, of violence and indignation in most of the colonies. Even those who were moderate, or seemed wavering, now became resolute and resentful. Nothing was to be heard of but meetings and resolutions. Liberal contributions for the relief of the distressed Bostonians were every where recommended, and soon practised. Numberless letters were written from districts, towns, and provinces, to the people of Boston, in which, besides every expression of sympathy and tenderness, they were commended for their past conduct, and strongly exhorted to a perseverance in that virtue, which had brought on their sufferings.

"It was in vain that the friends of government attended a town meeting, and attempted to pass resolutions for the payment of the tea, and for dissolving the committee of correspondence; they found themselves lost in a prodigious majority, and had no other resource than drawing up a protest against the proceedings of that body. The Boston committee of correspondence, apprehended themselves so fixed in the good opinion of the publick, that they ventured to frame and publish an agreement, entitled, '*A solemn league and covenant*,'" (2) "wherein the subscribers bound themselves in the most solemn manner, and in the presence of God, to suspend all commercial intercourse with Great Britain from the last day of the ensuing month of *August*, until the Boston port bill and the other late obnoxious laws, should be repealed. They also bound themselves in the same manner, not to consume, or purchase from any other, any goods whatever, which arrived after the specified time, and to break off all commerce, trade and dealings, with any who did, as well as with the importers of such goods. They renounced in the same manner, all intercourse and connexion with those, who should refuse to subscribe to that covenant, or to bind themselves by some similar agreement; and they annexed to the renunciation of intercourse, the dangerous penalty of publishing to the world, the names of those who should refuse this evidence of their attachment, to the rights and interests of their country.

"General *Gage* published against this covenant a strong proclamation, (3) in which it was termed 'an unlawful, hostile, and traitorous combination; contrary to the allegiance due to the king, destructive of the legal authority of parliament, and of the peace, good order, and safety of the community.' All persons were warned against incurring, the pains and penalties due to such dangerous offences; and all magistrates charged to apprehend and secure for trial, such as should be in any manner guilty of them. But the time when the proclamations of governors were to be attended to had passed away, and the penalties in the power of the committee of correspondence were much more dreaded, than those which could be inflicted by the civil magistrate." (4)

"Soon after general *Gage's* arrival, two regiments of foot, with a small detachment of the artillery, and some cannon, were landed at Boston, and encamped on the common. These troops were by degrees reinforced by the arrival of several regiments from Ireland, New York, Halifax, and at length from Quebec. The arrival and station of these troops, was far from being agreeable to the inhabitants; nor was the jealousy in any degree less in the minds of their neighbours of the surrounding counties. The dissatisfaction was increased by placing a *guard* upon Boston Neck, the narrow isthmus which joins the peninsula to the continent; for which measure the frequent desertion of the soldiers was the assigned reason. Individuals encouraged such desertion; and the Boston committee contributed to the temptation, by making the situation of the soldiery as disagreeable as they could, and by counteracting all endeavours to render it comfortable. They acted

(1) *About Aug. 1.* (2) *Gord.* (3) *June 29.* (4) *Marsh.*

systematically for the prevention of all supplies for the British troops. Through their connexion with the neighbouring committees, the farmers and others were prevented from selling them straw, timber, slit-work, boards, in short every article excepting provisions necessary for their subsistence. The straw which was purchased for their service was daily burnt. Vessels with brick intended for the army were sunk, and carts with wood overturned. Thus, by some contrivance or other, purchases were prevented, or when made, the king's property was destroyed in every manner in which it could be effected.

[August 4.] "The governor, by a proclamation for the encouragement of piety and virtue, the prevention and punishment of vice, profaneness and immorality; exasperated the minds of the people, owing to the insertion of '*hypocrisy*' among the immoralities. They had been scoffed at and reproached by enemies, and those of looser manners, for a pharisaical attention to outward forms and the appearances of religion; and therefore viewed this insertion as an intended insult.

"With the new acts, the governor received a list of thirty-six new councillors, who, agreeable to the new regulations, had been appointed by the crown, contrary to the method prescribed by the charter.—About twenty-four of the gentlemen accepted, a sufficient number to attempt carrying on the business of government. But the courts of judicature at Boston were suspended, for the grand jurors refused to take the oaths, and to act under new judges and laws. The petit jurors declined serving, on account of *Peter Oliver* Esq. standing impeached by a late house of commons of the province, and the judges of the superior court being made to depend upon the crown. Not only so, but the great and petit juries through the colony, unanimously refused to act in any manner under the new regulations; and the clerks of the court found it necessary to acknowledge their contrition in the publick papers, for issuing the warrants by which the juries were summoned, and not only to declare that they would not act so again, but to apologize for what they had done. At Great Barrington and some other places, the people assembled in large bodies, and filled the court-house and avenues in such a manner, that neither judge nor officer could obtain entrance; and upon the sheriff's commanding them to make way for the court, they answered, 'We know no court, nor any other establishment, independent of the ancient laws and usages of our country, and to none other will we submit, or give way upon any account.'(1)

[Aug. 24.] "At Salem, the merchants, freeholders and other inhabitants, were by hand-bills summoned to meet on Wednesday the *twenty-fourth*, to consider on measures for opposing the execution of divers late acts of parliament. The day preceeding the intended meeting, [Aug. 23.] the governor, who resided within a few miles of the place, published a proclamation prohibiting all persons from attending. The proclamation being disregarded, a company of soldiers were ordered into town to disperse the meeting; but before they got to it, the business was finished, and the inhabitants withdrawn.

"The proceedings of the people, and their manifest dispositions, alarmed the general, who thought it necessary for the safety of the troops, as well as to secure that important post of Boston, to fortify the entrance at the Neck, which afforded the only communication, except by water, between the town and the continent.

[Sep. 1.] "The governor, to secure the provincial ammunition, sent two companies of soldiers across the river long before day-break, who possessed themselves of the powder in the arsenal at Charlestown. The news circulated apace, and in the morning the inhabitants of the neighbouring towns, to the amount of several thousands, assembled at Cambridge, (2) mostly in arms. They proceeded to the lieutenant governor *Oliver's* house, and to the houses of several of the new councillors, and of others who they thought had shown themselves unfriendly to the province. Some of the councillors were obliged to resign, and to declare they would no more act under what were pronounced the arbitrary laws lately enacted—It was with difficulty that the multitude was restrained from marching to Boston, there to demand a delivery of the powder, and, in case of refusal, to attack the troops. This collection of people, and the confusion necessarily attending their transactions, gave rise to a rumor, that the fleet and troops were firing upon the town of Boston, which flew with amazing rapidity through New-England; and in less than 24 hours after, there

(1) *The new act for altering the government, went into operation Aug. 1: The councillors, judges, and executive officers, appointed under it by the king or governor, contrary to the charter, were denounced as enemies to their country; many refused to accept the commissions, and those who did were intimidated and compelled to resign, or were unable to execute their offices; The people conceived the act of parliament altering their charter, was a dissolution of government; no assembly was ever held under it, nor was it submitted to in any way.*

(2) *Three miles from Boston.*

were between 30 and 40,000 men in arms, some of whom marched from 20 to 30 miles toward Boston, before they were undeceived. This report, and the seizure of the powder, roused the inhabitants in the other colonies beyond New England, so that they immediately began learning the military exercise. The transaction at *Cambridge* produced such other risings in the colony, as obliged more of the new council to resign or to flee to Boston; whither, by the close of the month, the commissioners, the custom-house officers, and all who had made themselves particularly obnoxious, by taking an active and decided part against the country, repaired for protection. Thus was the seat of government at *Salem* abandoned, and the apparatus of a custom-house removed to a place, which an act of parliament had proscribed from all trade.

[*Sep. 6.*] "The seizing of the powder, and withholding from the legal proprietors what was lodged in the magazine of Boston, and the design carrying into execution of repairing and manning the fortifications at the entrance of the town, occasioned the holding an *assembly of delegates* from the several towns and districts in the county of *Suffolk*, of which Boston is the county town. After a most spirited preamble, they *resolved*, among other things, 'That &c.(1)

Thus, within 4 months after general *Gage's* arrival with the troops, and reception of the acts of parliament; instead of submission, the whole continent was raised to concerted opposition; and a *continental congress* regularly chosen, appointed to meet the day preceeding this, in *Philadelphia*.

"The events of this time may be transmitted to posterity, but the agitation of the publick mind can never be fully comprehended, but by those who were witnesses of it.

"In the counties and towns of the several provinces, as well as in the cities, the people assembled and passed resolutions, expressive of their rights, and of their detestation of the late American acts of parliament. These had an instantaneous effect on the minds of thousands. Not only the young and impetuous, but the aged and temperate, joined in pronouncing them to be unconstitutional and oppressive. They viewed them as deadly weapons, aimed at the vitals of that liberty which they adored; as rendering abortive the generous pains taken by their forefathers, to procure for them in a new world, the quiet enjoyment of their rights. They were the subjects of their meditation when alone, and of their conversation when in company.

"Within little more than a month, after the news of the Boston port bill reached America, it was communicated from state to state, and a flame was kindled in almost every breast, through the widely extended provinces.

"In order to understand the mode, by which this flame was spread with such rapidity, over so great an extent of country; it is necessary to observe, that the several colonies were divided into counties, and these again subdivided into districts, distinguished by the names of towns, townships, precincts, hundreds or parishes. In New England, the subdivisions which are called towns were, by law, bodies corporate—had their regular meetings, and might be occasionally convened by their proper officers. The advantages derived from these meetings, by uniting the whole body of the people in the measures taken to oppose the stamp act, induced other provinces to follow the example. Accordingly, under the association which was formed to oppose the revenue act of 1767, committees were established, not only in the capitals of every province, but also in most of the subordinate districts. Great Britain, without designing it, had by her two preceding attempts at American revenue, taught her colonies not only the advantages, but the means of union. The system of committees, which prevailed in 1765, and also in 1767; was revived in 1774. By them, there was a quick transmission of intelligence from the capital towns, through the subordinate districts to the whole body of the people, and an union of councils and measures was effected among widely disseminated inhabitants.

"It is, perhaps, impossible for human wisdom to contrive any system, more subservient to these purposes, than such a reciprocal exchange of intelligence, by committees. From the want of such a communication with each other, and consequently of union among themselves, many states have lost their liberties, and more have been unsuccessful in their attempts to regain them, after they have been lost.

"What the eloquence and talents of Demosthenes could not effect among the states of Greece, might have been effected by the simple device of committees of correspondence. The few have been enabled to keep the many in subjection in every age, from the want of union among the latter. Several of the provinces of Spain complained of oppression under Charles the 5th, and in transports of rage took arms against him; but they never consulted or communicated with each other. They resisted separately, and were therefore separately subdued.

(1) See the account of this important transaction in the proceedings of congress: post.

"The colonists, sympathizing with their distressed brethren in Massachusetts, felt themselves called upon to do something for their relief; but to determine on what was proper to be done, did not so obviously occur. It was a natural idea, that for harmonizing their measures, a congress of deputies from each province should be convened. This early occurred to all, and being agreed to by all, was the means of procuring union and concert among inhabitants, removed several hundred miles from each other. In times less animated, various questions about the place and legality of their meeting, and about the extent of their power, would have produced a great diversity of sentiments; but on this occasion, by the special agency of providence, there was the same universal bent of inclination in the great body of the people. A sense of common danger, extinguished selfish passions. The publick attention was fixed on the great cause of liberty.—Local attachments and partialities, were sacrificed on the altar of patriotism.

"There were not wanting moderate men, who would have been willing to pay for the tea destroyed, if that would have put an end to the controversy; for it was not the value of the tea nor of the tax, but the indefeasible right of giving and granting their money, for which the colonists contended. The act of parliament was so cautiously worded, as to prevent the opening of the port of Boston, even though the East India company had been reimbursed for all damages, 'until it was made appear to his majesty in council, that peace and obedience to the laws were so far restored in the town of Boston, that the trade of Great Britain might be safely carried on there and his majesty's customs duly collected.' The latter part of this limitation, 'the due collection of his majesty's customs,' was understood to comprehend submission to the late revenue laws. It was therefore inferred, that payment for the tea destroyed would produce no certain relief, unless they were willing to give operation to the law, for raising a revenue on future importations of that commodity, and also to acquiesce in the late mutilation of their charter. As it was deliberately resolved never to submit to either, the most lukewarm of the well informed patriots, possessing the publick confidence, neither advised nor wished for the adoption of that measure. A few in Boston, who were known to be in the royal interest, proposed a resolution for that purpose, but they met with no support. Of the many who joined the British in the course of the war, there was scarcely an individual to be found in this early stage of the controversy, who advocated the right of parliamentary taxation. There were doubtless many timid persons, who fearing the power of Britain, would rather have submitted to her encroachments, than risque the vengeance of her arms; but such, for the most part, suppressed their sentiments. Zeal for liberty, being immediately rewarded with applause, the patriots had every inducement to come forward, and to avow their principles; but there was something so unpopular in appearing to be influenced by timidity, interest, or excessive caution, when essential interests were attacked; that such persons shunned publick notice, and sought the shade of retirement.

"In the three first months, which followed the shutting up of the port of Boston, the inhabitants of the colonies, in hundreds of small circles, as well as in their provincial assemblies and congresses, expressed their abhorrence of the late proceedings of the British parliament against Massachusetts—their concurrence in the proposed measure of appointing deputies for a general congress, and their willingness to do and suffer whatever should be judged conducive to the establishment of their liberties.

"A patriotic flame, created and diffused by the contagion of sympathy, was communicated to so many breasts, and reflected from such a variety of objects, as to become too intense to be resisted."⁽¹⁾

This account from 1763 to the fall of 1774, during all which period a constant struggle was maintained, is chiefly intended to present a brief and chronological view of those ministerial measures, acts of parliament, colonial transactions, and grievances, upon which the *first* congress (whose proceedings follow,) were convened to deliberate.

My intention has been, simply to exhibit so much of ministerial policy and British legislation, with their consequences in America, as might render the proceedings and state papers of the first and second congress, and up to the time of declaring *independence*, more intelligible to general readers.

This condensed view as far as it is conducted, and what follows presents, I fear, but an imperfect sketch, of those interesting and important transactions and events, which transpired between 1763 and 1776.

I persuade myself however, that to most of those who receive the "Law Register" (and particularly to students of law) it will be a gratifying acquisition to have republished, however briefly, memorials which mark the progress of the colonies to their station in the rank of nations, and attest the unparalleled virtue, fortitude, and wisdom of their *fathers*, by whom this great achievement was accomplished. (2)

It is material also in this place to mention, as of general application; that the statement of what took place in *particular* places, such as Boston, New-York, Philadelphia, Richmond, or Charleston; or in *particular* publick bodies, as in the assemblies of Massachusettes, or Virginia; is not to be construed as derogating from the patriotism evinced, and conduct pursued, in *other* places, and publick bodies; they are rather *instances*. It was necessary to abridge the account; all my purpose is, to present an *outline*: The same feeling and spirit actuated the people of *all* the colonies: Examples in each might have been quoted almost without limit; and of individuals and assemblies, no wise inferior in force of intellect, just conceptions of civil liberty, and unshaken resolutions, never to submit to *unconstitutional* power.

I may here repeat, in respect to the *ensuing*, as well as in the preceding matter, that my own share in the *composition* of the historical notices, consists principally in the elucidation and connection of dates, and successive events, by intermediate remarks and explanations: There was no small difficulty in this, and also in fixing on the most appropriate *selections*; particularly those of a *popular* cast, which I thought necessary, in order to give some idea of the *momentum* of publick feeling, and of that patriotism which inspired and impelled forward this mighty contest, until its conclusion. I have not attempted (and for which indeed, I am not qualified) to give attraction to these notices, by infusing into them the graces of language, or giving to them the novelty of original composition.

On the contrary, I have most commonly been satisfied to state facts in the words of prior historians, or as found in official records; and in doing this, have not confined myself altogether, to the more grave and weighty matters which occupied *congress*; but in order to give some feeble idea of the spirit and *enthusiasm* of these times, have embodied in my compilement, many local and particular transactions, calculated to answer this purpose.

My object is to acquaint the reader, not only with facts, but to present something of a *moral* portrait of the times; and yet, however easy this might seem, few persons could well imagine how much difficulty, arising from selection and comparison of dates, with many necessary elucidations, occurred, in producing even this abridged essay, of what preceedes and follows.

The foregoing narrative, as will be perceived, brings me to the time of *meeting* and proceedings of the "FIRST CONGRESS," which took place in consequence of, and soon after, all these violent acts of the British parliament, in the spring and summer of this year.

The circumstances in which they were placed, called for equal energy and prudence; and it will be perceived that they maintained without faltering, the constitutional rights of the American colonies; neither the *penal* bills which had been enacted, nor the hostile spirit of the British *nation*, nor the *army*, which had now increased to 8000 men, under general Gage at Boston, occasioned the least dismay.

America was at this moment unarmed, and unprepared: long habits, a strong feeling of loyalty, and many ties of interest and affection still existed, to render the chance of *arms* infinitely on the side of England.

This congress however, resting on the immutable principles of reason and equity; and confiding in the virtue and courage of their country to sustain the conflict, did not hesitate; they insisted on every right; demanded a full redress of grievances; justified the conduct of their fellow

(2) *It has always appeared to me, that a "Compend of the American Revolution" ought to form an english "class-book," in the seminaries of learning in the United states: It could be read with understanding and even curiosity in the subject, by classes, with Cæsar, Sallust. Cicero, and Virgil, as an english exercise, in academies: and in colleges should be considered indispensable as a branch of historical education: It comprehends whatever is most interesting in the review of past times, whether relating to great examples, of wise and virtuous statesmen; to illustrious warriors, contending, and dying for their country; or to principles of civil government and the rights of man. The state papers alone, while they excite a deep interest in the subject on which they are employed, may justly be recommended as models of imitation in the "art of reasoning," and "English composition."*

citizens in resistance: adopted measures of retaliation and defence; leaving to *Great Britain* the choice, of conquering a loyal people by her justice or her arms.

Persisting in her no less baneful than frantick policy, and confident in her strength, the last alternative was preferred, and she lost the 13 American colonies.

The following *entries* appear in the journals, of the first day of the meeting of that celebrated assembly, usually styled "the first continental congress." (1)

[SEP. 5, 1774.] A NUMBER OF THE DELEGATES, chosen and appointed by the several COLONIES and provinces in *North America*, to meet and hold a CONGRESS at *Philadelphia*, assembled at the *Carpenter's Hall*. (2)

PRESENT.

From N. HAMPSHIRE.	Major John Sullivan, Col. Nathaniel Fulson, Esqs.
MASSACHUSETTS.	{ The Hon. Thomas Cushing, John Adams, Samuel Adams, Robert Treut Paine, Esqs.
RHODE-ISLAND.	- The Hon. Stephen Hopkins, The Hon. Samuel Ward, Esqs.
CONNECTICUT.	- { The Hon. Eliphalet Dyer, The Hon. Roger Sherman, Silas Deane, Esqs.
NEW-YORK.	- - { James Duane, Philip Livingston, John Jay, Isaac Low, Esqs. Col. William Floyd, Messrs. *Henry Wisner, *John Alsop, *S. Boerum.
NEW-JERSEY.	- - { James Kinsey, John Dehart, William Livingston, Stephen Crane, Richard Smith, Esqs.
PENNSYLVANIA.	- { The Hon. Joseph Galloway, Charles Humphreys, Samuel Rhoads, John Morton, Thomas Mifflin, Edward Biddle, *John Dickinson, *George Ross, Esqs.
DELAWARE.	- - The Hon. Caesar Rodney, Thomas McKean, George Read, Esqs.
MARYLAND.	- - { Robert Goldsborough, William Paca, Samuel Chase, *Matthew Tilghman, *Thomas Johnson Jun'r, Esqs.
VIRGINIA.	- - - { The Hon. Peyton Randolph, Richard Bland, George Washington, Benjamin Harrison, Patrick Henry, Edmund Pendleton, *Richard Henry Lee, Esqs.
N. CAROLINA.	- - *William Hooper, *Joseph Hewes, *Richard Caswell, Esqs.
S. CAROLINA.	- - { Henry Middleton, Christopher Gadsen, John Rutledge, Thomas Lynch, Edward Rutledge, Esqs.

The Congress proceeded to the choice of a President, when the Hon. *Peyton Randolph Esq.* was unanimously elected.

Mr. *Charles Thomson* was unanimously chosen Secretary.

The gentlemen from the several colonies produced their respective credentials, which were read and approved, as follows:

Province of NEW HAMPSHIRE.

At a meeting of the deputies appointed by the several towns in this province, held at *Exeter* in the County of *Rockingham*, 21st July, 1774., for the election of delegates, on behalf of this province, to join the general congress proposed.. Present 85 members.

The Hon. *John Wentworth*, Esq. in the chair.

VOTED, That major *John Sullivan*, and colonel *Nathaniel Fulson*, Esqrs. be appointed and empowered, as delegates, on the part of this province, to attend and assist in the general congress of delegates from the other colonies, at such time and place, as may be appointed to devise, consult, and adopt such measures, as may have the most likely tendency to extricate the colonies from their present difficulties; to secure and perpetuate their rights, liberties and privileges, and to restore that peace, harmony, and mutual confidence, which once happily subsisted between the parent country and her colonies.

J. WENTWORTH, *Chairman*.

(1) Having no aim in these "notes" to compose a regular history, but rather to present documents where I can, as evidence of facts; no apology seems requisite for referring to the "journals" by quotation. The matters selected, whether of more or less importance, are intended to show forth the character of a real patriot congress, labouring for their country in its greatest need and peril; not for pay and popularity; but with hearts and minds absorbed in the vastness of the struggle before them, and in preparations for the encounter. (2) The delegates marked^d took their seats afterwards.

Province of MASSACHUSETTS-BAY.

In the House of Representatives, June 17, 1774.

This House having duly considered, and being deeply affected with the unhappy differences, which have long subsisted and are increasing, between *Great Britain* and the *American* colonies, do Resolve: That a meeting of committees from the several colonies on this continent, is highly expedient and necessary, to consult upon the present state of the colonies, and the miseries to which they are and must be reduced by the operation of certain acts of parliament respecting *America*, and to deliberate and determine upon wise and proper measures to be by them recommended to all the colonies, for the recovery and establishment of their just rights and liberties, civil and religious, and the restoration of union and harmony between *Great Britain* and the colonies, most ardently desired by all good men. Therefore, Resolved, That the Hon. *James Bowdoin*, the Hon. *Thomas Cushing*, Mr. *Samuel Adams*, *John Adams*, and *Robert Treat Paine* Esqrs. be, and they are hereby appointed a Committee on the part of this province, for the purposes aforesaid, any three of whom to be a quorum; to meet such committees or delegates from the other colonies, as have been or may be appointed either by their respective houses of Burgesses, or representatives, or by convention, or by the committees of correspondence appointed by the respective houses of assembly, in the city of *Philadelphia*, or any other place that shall be judged most suitable by the committee, on the 1st day of *September* next; and that the speaker of the house be directed, in a letter to the speakers of the houses of Burgesses or representatives in the several colonies, to inform them of the substance of these resolves.

SAMUEL ADAMS, Clerk.

RHODE-ISLAND.

By the Hon. JOSEPH WANTON, Esq. Governor, Captain-General, and commander in chief of and over the *English* colony of *Rhode-Island*, and *Providence Plantations* in *New-England*, in *America*.

To the Hon. Stephen Hopkins Esq. and the Hon. Samuel Ward Esq. Greeting.

WHEREAS the general assembly of the colony aforesaid, have nominated and appointed you the said *Stephen Hopkins* and *Samuel Ward*, to represent the people of this colony in a general congress of representatives from this and the other colonies, at such time and place as should be agreed upon by the major part of the committees appointed or to be appointed by the colonies in general; I do therefore hereby authorize, impower, and commissionate you the said *Stephen Hopkins* and *Samuel Ward*, to repair to the city of *Philadelphia*, it being the place agreed upon by the major part of the colonies, and there, in behalf of this colony, to meet and join with the commissioners or delegates from the other colonies, in consulting upon proper measures to obtain a repeal of the several acts of the *British* parliament for levying taxes upon his majesty's subjects in *America*, without their consent, and particularly an act lately passed for blocking up the port of *Boston*, and upon proper measures to establish the rights and liberties of the colonies upon a just and solid foundation, agreeable to the instructions given you by the General Assembly.

[L. S.] Given under my hand, and the seal of the said colony, this 10th day of *August*, in the year of our Lord 1774, and the 14th of the reign of his most sacred majesty *George* the third, by the grace of God, king of *Great Britain*, &c.

J. WANTON.

By his Honour's command, *Henry Ward*, Sec.

CONNECTICUT.

In the house of representatives of the colony of Connecticut, June 3d, 1774.

WHEREAS a congress of commissioners from the several *British* colonies in *America*, is proposed by some of our neighbouring colonies, and thought necessary; and whereas it may be found expedient that such congress should be convened before the next sessions of this assembly:

RESOLVED by this house, That the committee of correspondence be, and they are hereby impowered on application to them made, or from time to time, as may be found necessary; to appoint a suitable number to attend such congress, or convention of commissioners or committees, of the several colonies in *British America*, and the persons thus to be chosen shall be, and they are hereby directed in behalf of this colony, to attend such congress; to consult and advise on proper measures for advancing the best good of the colonies, and such conferences, from time to time, to report to this house.

A true extract and copy from the journal of the House.

WILLIAM WILLIAMS, Clerk.

Colony of CONNECTICUT, &c.

New-London July 13th, 1774.

At a meeting of the committee of correspondence for this colony.

The Hon. *Ebenezer Silliman*, Esq. in the chair.

The Hon. *Eliphalet Dyer*, the Hon. *William Samuel Johnston*, *Erastus Wolcott*, *Silas Deane*, and *Richard Law*, Esqrs. were nominated, pursuant to the act of the Hon. House of Representatives of the said colony, at their sessions in *May* last, either three of which are hereby authorized and empowered, in behalf of this colony, to attend the general congress of the colonies proposed to be held at *Philadelphia* on the first day of *September* next, or at such other time and place as shall be agreed on by the colonies, to consult and advise with the commissioners or committees of the several *English* colonies in *America*, on proper measures for advancing the best good of the colonies.

Signed, *Ebenezer Silliman*, *William Williams*, *Benjamin Payne*, *Erastus Wolcott*, *Joseph Trumbull*, *Samuel H. Parsons*, *Nathaniel Wales Jun.* *Silas Deane*.

Hartford, August 1774.

At a meeting of the committee of correspondence for this colony, *Erastus Wolcott*, Chairman.

The Hon. *William Samuel Johnston*, *Erastus Wolcott*, and *Richard Law*, Esqrs. nominated by this committee at *New-London*, on the 13th of *July* last, as persons proper to attend the general congress, to be held at *Philadelphia*, on the first of *September* next, as by said appointment, being unable by reason of previous engagements and the state of their health, to attend said congress on behalf of this colony; the Hon. *Roger Sherman*, and *Joseph Trumbull*, Esqrs. were nominated in the place of the aforesaid gentlemen, as persons proper to attend said congress, in behalf of this colony, either of which are empowered, with the Hon. *Eliphalet Dyer*, and *Silas Deane*, Esqrs. for that purpose.

Signed, *William Williams*, *Benjamin Payne*, *Joseph Trumbull*, *Nathaniel Wales Jun.* *Samuel H. Parsons*, *Samuel Bishop*.

NEW-YORK.

By duly certified polls, taken by proper persons in seven wards, it appears that *James Duane*, *John Jay*, *Philip Livingston*, *Isaac Low*, and *John Alsop*, Esqrs. were elected as delegates for the city and county of *New York*, to attend the congress at *Philadelphia*, the first day of *September* next; and at a meeting of the committees of several districts in the county of *West-Chester*, the same gentlemen were appointed to represent that county; also by a letter from *Jacob Lansing Jun.* Chairman, in behalf of the committee for *Albany*, it appears that that city and county had adopted the same for their delegates. By another letter it appears, that the committee from the several districts in the county of *Dutchess*, had likewise adopted the same as delegates to represent that county in congress, and that committees of other towns approve of them as their delegates.

By a writing duly attested it appears, that the county of *Suffolk*, in the colony of *New York*, have appointed colonel *William Floyd*, to represent them in congress.

NEW-JERSEY.

To *James Kinsey*, *William Livingston*, *John Dehart*, *Stephen Crane*, and *Richard Smith*, Esqrs. each and every of you.

The committees appointed, by the several counties of the colony of *New-Jersey*, to nominate deputies, to represent the same in general congress of deputies from the other colonies in *America*, convened at the city of *New Brunswick*, have nominated and appointed, and do hereby nominate and appoint you, and each of you, deputies, to represent the colony of *New-Jersey*, in the said general congress. In testimony whereof, the chairman of the said several committees here met, have hereunto set their hands, this *twenty-third* day of *July*, in the *fourteenth* year of the reign of our sovereign lord king *George* the third, and in the year of our Lord, 1774.

Signed, *William P. Smith*, *Jacob Ford*, *John Moores*, *Robert Johnson*, *Robert Field*, *Robert Friend Price*, *Peter Zabriskie*, *Samuel Tucker*, *Edward Taylor*, *Hendrick Fisher*, *Archibald Stewart*, *Thomas Anderson*, *Abia Brown*, *Mark Thompson*.

PENNSYLVANIA.

Extract from votes of Assembly, Friday, July 22, 1774. A. M.

The committee of the whole House taking into their most serious consideration, the unfortunate

differences which have long subsisted between *Great Britain* and the *American* colonies, and being greatly increased by the operation and effects of divers late acts of the *British* parliament.

RESOLVED N. C. D. That there is an absolute necessity, that a congress of deputies from the several colonies, be held as soon as conveniently may be, to consult together upon the present unhappy state of the colonies, and to form and adopt a plan for the purposes of obtaining redress of *American* grievances, ascertaining *American* rights upon the most solid and constitutional principles, and for establishing that union and harmony between *Great Britain* and the colonies, which is indispensibly necessary to the welfare and happiness of both.

Eodem die, P. M. The house resumed the consideration of the resolve from the committee of the whole house, and, after some debate thereon, adopting and confirming the same,

RESOLVED N. C. D. That the Hon. *Joseph Galloway*, Speaker; *Samuel Rhoads*, *Thomas Mifflin*, *Charles Humphreys*, *John Morton*, *George Ross*, and *Edward Biddle*, Esqrs. be, and they are hereby appointed, a committee on the part of this province, for the purposes aforesaid, and that they or any four of them, do meet such committees or delegates from the other colonies, as have been or may be appointed, either by their respective Houses of representatives, or by convention, or by the provincial or colony committees, at such time and place, as shall be generally agreed on by such committees: [*Note. John Dickinson*, Esq. was afterwards added as a deputy: see p. 31. *Journ.*]

The three counties, NEW-CASTLE, KENT, and SUSSEX on DELAWARE. August 1, 1774.

The representatives of the freemen of the government of the counties of *New-Castle, Kent*, and *Sussex* on *Delaware*, met at *New-Castle*, in pursuance of circular letters from the speaker of the house, who was requested to write and forward the same to the members of assembly, by the committees of correspondence for the several counties aforesaid, chosen and appointed for that among other purposes, by the freeholders and freemen of the said counties respectively: and having chosen a chairman, and read the resolves of the three respective counties, and sundry letters from the committees of correspondence along the continent, they unanimously entered into the following resolution, viz.

WE the representatives aforesaid, by virtue of the power delegated to us, aforesaid, taking into our most serious consideration the several acts of the *British* parliament, for restraining manufactures in his majesty's colonies and plantations in *North America*,—for taking away the property of the colonists without their participation or consent,—for the introduction of the arbitrary powers of excise in the customs here,—for making all revenue causes triable without Jury, and under the decision of a single dependent judge,—for the trial, in England, of persons accused of capital crimes, committed in the colonies,—for the shutting up the port of *Boston*,—for new modelling the government of the *Massachusetts-Bay*, and the operation of the same on the property, liberty, and lives of the colonists; and also considering, that the most eligible mode of determining upon the premises, and of endeavouring to procure relief and redress of our grievances, would have been by us assembled in a legislative capacity, but that as the house had adjourned to the 30th day of *September* next, and it is not to be expected, that his honour the governor would call us, by writs of summons, on this occasion, having refused to do the like in his other province of *Pennsylvania*; the next most proper method, of answering the expectations and desires of our constituents, and of contributing our aid to the general cause of *America*, is to appoint commissioners or deputies in behalf of the people of this government, to meet and act with those appointed by the other provinces, in general congress; and we do, therefore, unanimously nominate and appoint *Cesar Rodney*, *Thomas M'Kean*, and *George Read*, Esqrs. or any two of them, deputies, on the part and behalf of this government, in a general continental congress, proposed to be held at the city of *Philadelphia*, on the first monday in *September* next, or at any other time or place that may be generally agreed on, then and there to consult and advise with the deputies from the other colonies, and to determine upon all such prudent and lawful measures, as may be judged most expedient for the colonies immediately and unitedly to adopt, in order to obtain relief for an oppressed people, and the redress of our general grievances.

Signed by order of the Convention,

CÆSAR RODNEY, *Chairman*.

MARYLAND.

At a meeting of the committees appointed by the several counties of the province of *Maryland*,

at the city of *Annapolis*, the 22d day of *June*, 1774. and continued by adjournment from day to day, till the 25th of the same month.

Matthew Tilghman Esq. in the chair. *John Duckett*, Clerk.

RESOLVED, That *Matthew Tilghman*, *Thomas Johnson Jun.* *Robert Goldsborough*, *William Paca*, and *Samuel Chase*, Esqrs. or any two or more of them, be deputies for this province, to attend a general congress of deputies from the colonies, at such time and place as may be agreed on; to effect one general plan of conduct, operating on the commercial connection of the colonies, with the mother country, for the relief of *Boston* and preservation of *American* liberty.

VIRGINIA.

[*August 1*] At a general meeting of delegates from the different counties in this colony, convened in the city of *Williamsburgh*, to take under their consideration the present critical and alarming situation of the continent of *North America*. Hon. *Peyton Randolph*, Esq. in the chair.

It was unanimously RESOLVED. That it is the opinion of this meeting, that it will be highly conducive to the security and happiness of the *British* Empire, that a general congress of deputies from all the colonies assemble, as soon as the nature of their situations will admit, to consider of the most proper and effectual manner of so operating on the commercial connection of the colonies with the mother country, as to procure redress for the much injured province of *Massachusetts Bay*, to secure *British America* from the ravage and ruin of arbitrary taxes, and speedily to procure the return of that harmony and union so beneficial to the whole empire, and so ardently desired by all *British America*.

[*August, 5.*] The meeting proceeded to the choice of delegates, to represent this colony, in general congress, when the honourable *Peyton Randolph*, *Richard Henry Lee*, *George Washington*, *Patrick Henry*, *Richard Blund*, *Benjamin Harrison*, and *Edmund Pendleton*, Esqrs. were appointed for that purpose.

NORTH-CAROLINA.

At a general meeting of the deputies of the inhabitants of this province, *Newbern*, the 25th day of *August*, 1774.

RESOLVED, That we approve of the proposal of a general congress, to be held in the city of *Philadelphia*, on the twentieth (1) day of *September* next, then and there to deliberate upon the present state of *British America*, and to take such measures as they may deem prudent, to effect the purpose of describing with certainty the rights of *Americans*, repairing the breach made in those rights, and for guarding them for the future from any such violations done under the sanction of publick authority.

RESOLVED, That *William Hooper*, *Joseph Hewes*, and *Richard Caswell*, Esqrs. and every of them, be deputies to attend such congress, and they are hereby invested with such powers, as may make any acts done by them or consent given in behalf of this province, obligatory in honour upon every inhabitant hereof, who is not an alien to his country's good, and an apostate to the liberties of *America*.

Signed,

JOHN HERVEY, Moderator.

Attested,

Andrew Knox, Clerk,

SOUTH-CAROLINA.

In the Commons House of Assembly, *Tuesday*, the 2d day of *August*, 1774.

Colonel *Powell* acquainted the house, that during the recess of this house, viz. on the sixth, seventh, and eighth days of *July* last, at a general meeting of the inhabitants of this colony, they having under consideration the acts of parliament lately passed with regard to the port of *Boston* and colony of *Massachusetts Bay*, as well as other *American* grievances, had nominated and appointed the Honourable *Henry Middleton*, *John Rutledge*, *Thomas Lynch*, *Christopher Gadsden*, and *Edward Rutledge*, Esqrs. deputies on the part and behalf of this colony, to meet the deputies of the other colonies of *North America* in general congress, the first *Monday* in *September* next at *Philadelphia*, or at any other time and place that may be generally agreed on, there to consider the acts lately passed, and bills depending in parliament with regard to the port of *Boston* and colony of *Massachusetts Bay*; which acts and bills in precedent and consequences affect the whole continent of *America*—also the grievances under which *America* labours,

by reason of the several acts of parliament that impose taxes or duties for raising a revenue, and lay unnecessary restraints and burdens on trade.—and of the statutes, parliamentary acts, and royal instructions, which make an invidious distinction between his majesty's subjects in *Great Britain* and *America*, with full power and authority to concert, agree to, and effectually prosecute such legal measures, as in the opinion of the said deputies, and of the deputies so to be assembled, shall be most likely to obtain a repeal of the said acts, and a redress of those grievances: And thereupon moved that this House do resolve to recognize, ratify, and confirm the said appointment of the deputies for the purposes aforesaid.

RESOLVED, N. C. D. That this House do recognize, ratify, and confirm the appointment of the said deputies for the purposes mentioned in the said motion.

Attested,

THOMAS FARR, Jun. Clerk.

The *Credentials* of the first congress are published at large, as furnishing evidence of the common feeling, and a proper idea, of the nature and terms of these commissions, and of the authorities from whence they emanated. It will be unnecessary hereafter to give these entire. New appointments were made on vacancies, or expiration of preceding ones: scarcely ever in the same form, but conferring unlimited powers, and often with preambles conceived in the strongest terms of indignation, against the measures of parliament; but uniformly breathing professions of loyalty and most ardent wishes for reconciliation.

[Sep. 6.] Congress came to the following resolves.

RESOLVED, That in determining questions in this congress, each colony or province shall have one vote.—The congress not being possessed of, or at present able to procure proper materials for ascertaining the importance of each colony.

RESOLVED, That no person shall speak more than twice on the same point, without leave of the congress.

RESOLVED, That no question shall be determined the day on which it is agitated and debated, if any one of the colonies desire the determination to be postponed to another day.

RESOLVED, That the door be kept shut during the time of business, and that the members consider themselves under the strongest obligations of honour, to keep the proceedings secret, until the majority shall direct them to be made publick.

RESOLVED, That a committee be appointed to state the *rights* of the colonies in general, the *several instances in which those rights are violated* or infringed, and the *means most proper to be pursued for obtaining a restoration of them*.

ORDERED, That the appointment of the committee, and the number of which it shall consist, be deferred until tomorrow.

RESOLVED, That a committee be appointed to examine and report the several *statutes*, which affect the *trade and manufactures of the colonies*.

Same order as above, respecting the appointment and number of this committee.

RESOLVED, That the Reverend Mr. *Duche* be desired to open the congress to-morrow morning with prayers, at the *Carpenter's Hall*, at nine o'Clock.

[Sep. 7.] The first committee, appointed to "state the *RIGHTS* of the colonies in general; the *instances in which those rights are violated*; and the *means most proper to be pursued for obtaining a restitution of them*," was agreed to consist of 2 from each colony, and were from,

<i>New Hampshire,</i>	Mr. Sullivan,	Mr. Fulsom.
<i>Massachusetts Bay,</i>	Mr. S. Adams,	Mr. J. Adams.
<i>Rhode Island,</i>	Mr. Hopkins,	Mr. Ward.
<i>New York,</i>	Mr. Duane,	Mr. Jay.
<i>New Jersey,</i>	Mr. Livingston,	Mr. Dehart.
<i>Pennsylvania,</i>	Mr. Galloway,	Mr. Biddle.
<i>Delaware,</i>	Mr. Rodney,	Mr. M'Kean.
<i>Maryland,</i>	Mr. Johnson,	Mr. Goldsborough.
<i>Virginia,</i>	Mr. Lee,	Mr. Pendleton.
(1) <i>North Carolina,</i>	Mr. Hooper,	Mr. Hewes.
• <i>South Carolina,</i>	Mr. Lynch,	Mr. Rutledge.

(1) *Afterwards added.*

The second committee, "to examine and report the several STATUTES, which affect the trade and manufactures of the colonies,"—one from each, were,

New Hampshire, Mr. Sullivan.
Massachusetts, Mr. Cushing.
Rhode Island, Mr. Hopkins.
Connecticut, Mr. Deane.
New York, Mr. Low.
New Jersey, Mr. Kinsey.

Pennsylvania, Mr. Mifflin.
Delaware, Mr. Read.
Maryland, Mr. Chase.
Virginia, Mr. Henry.
 (1) *North Carolina*, Mr. Hooper.
South Carolina, Mr. Gadsen.

This second committee, "on the *Statutes &c.*" made their report, *Sep.* 20, which was referred to the first committee, on the "*Rights violated, and means of restoration;*" so that the whole subject went to the first committee, to which was afterwards added,—"*Mr. Cushing, Mr. Henry, Mr. Mifflin.*"

It may be recollected, that in the preceding notes, the deduction of events had been brought down to *Sep.* 6. of this year, (2) at which time gen. *Gage* occupied Boston, and was fortifying the neck which connects it with the main land, and manifesting other intentions for a military enforcement of the late acts of parliament, at that place.

The existing state of the country, and these hostile demonstrations of the governor, produced the *Suffolk* county meeting and *resolutions*, *Sep.* 6. and their address to governor *Gage*, *Sep.* 9.

These proceedings, indicate no common character; they mark the undismayed spirit of the people of Massachusetts, and especially of Boston, in the hour of their deepest distress and peril: every private interest is forgotten, and every other feeling, but that of indignation for their country's wrongs, extinguished.

Those *resolutions* hurl back defiance in the face of parliament, the royal civil authorities of the province, and the military and naval forces under general *Gage*;—They assert that the measures they then adopt and recommend, are merely "*defensive*," but intimate, that a continuance, or addition to existing wrongs, will justify retaliation, and a resort to those means by which alone, freemen emancipate themselves from oppression; "*the expulsion of their tyrants by arms.*"

The introduction of these proceedings at the first meeting of congress, and their reception, tended to fix the character, and mark the spirit and feelings which actuated this assembly.

It will be seen, that they stood not balancing for an hour, on the scope and bearing of the *Suffolk* resolves; but with a spirit as undaunted as generous, the moment the reading is finished, bestow on the whole their decided APPROBATION; thus cheering the hearts and strengthening the hands of their suffering fellow countrymen in Massachusetts; affording also an earnest to Great Britain, and their own constituents, that the rights of America would not be abandoned by "an American congress:—"

There can be no doubt that those noble spirited proceedings at Boston, in this critical moment, and the equally firm and magnanimous conduct of congress in sustaining them, gave a most decided turn at that time to public opinion, and infused every where, not only a spirit of indignant feeling against Great Britain, but of resolution to resist at all hazards, the coercive execution of her oppressive measures.

[*Sep.* 17.] The resolutions entered into by the delegates from the several towns and districts in the county of *Suffolk*, in the province of the *Massachusetts Bay*, on *Tuesday* the 6th of *September*, and their address to his excellency governor *Gage*, dated the 9th, were laid before the congress, and are as follows:—

At a meeting of the delegates of every town and district in the county of *Suffolk*, on *Tuesday*, the 6th of *September*, at the house of Mr. *Richard Woodward*, of *Dedham*, and by adjournment at the house of Mr. ——— *Vose* of *Milton* on *Friday* the 9th instant, *Joseph Palmer Esq.* being chosen moderator, and *William Thompson Esq.* clerk, a committee was chosen to bring in a report to the convention, and the following being several times read, and put paragraph by paragraph, was unanimously voted, viz.

WHEREAS the power, but not the justice; the vengeance, but not the wisdom of *Great Britain*; which of old persecuted, scourged, and exiled our fugitive parents from their native shores; now pursues us their guiltless children with unrelenting severity: And whereas this, then savage and

(1) *Afterwards added.*

(2) *The day after Congress met, See p. 93 ante.*

uncultivated desert, was purchased by the toil and treasure, or acquired by the blood and valour of those our venerable progenitors; to us they bequeathed the dear bought inheritance, to our care and protection they consigned it, and the most sacred obligations are upon us to transmit the glorious purchase, unfettered by power, unlogged with shackles, to our innocent and beloved offspring. On the fortitude, on the wisdom, and on the exertions of this important day, is suspended the fate of this new world, and of unborn millions. If a boundless extent of continent, swarming with millions, will tamely submit to live, move and have their being, at the arbitrary will of a licentious minister, they basely yield to voluntary slavery, and future generations shall load their memories with incessant execrations.—On the other hand, if we arrest the hand which would ransack our pockets, if we disarm the paracide which points the dagger to our bosoms, if we nobly defeat that fatal edict which proclaims a power to frame laws for us in all cases whatsoever, thereby entailing the endless and numberless curses of slavery upon us, our heirs and their heirs forever; if we successfully resist that unparalleled usurpation of unconstitutional power, whereby our capital is robbed of the means of life; whereby the streets of *Boston* are thronged with military executioners; whereby our coasts are lined, and harbours crouded with ships of war; Whereby the charter of the colony, that sacred barrier against the encroachments of tyranny, is mutilated, and in effect annihilated; whereby a murderous law is framed to shelter villains from the hands of justice; whereby the unalienable and inestimable inheritance, which we derived from nature, the constitution of *Britain*, and the privileges warranted to us in the charter of the province; is totally wrecked, annulled, and vacated; posterity will acknowledge that virtue which preserved them free and happy; and while we enjoy the rewards and blessings of the faithful, the torrent of panegyrick will roll our reputations to that latest period, when the streams of time shall be absorbed in the abyss of eternity.—Therefore we have resolved, and do **RESOLVE**,

1. That whereas his majesty *George III.* is the rightful successor to the throne of *Great Britain*, and justly entitled to the allegiance of the *British* realm, and agreeable to compact, of the *English* colonies in *America*—therefore, we the heirs and successors of the first planters of this colony, do cheerfully acknowledge the said *George III.* to be our rightful sovereign, and that said covenant is the tenure and claim, on which are founded our allegiance and submission.

2. That it is an indispensible duty which we owe to God, our country, ourselves and posterity; by all lawful ways and means in our power to maintain, defend and preserve, those civil and religious rights and liberties, for which many of our fathers fought, bled and died, and to hand them down entire to future generations.

3. That the late acts of the *British* parliament for blocking up the harbour of *Boston*, for altering the established form of government in this colony, and for screening the most flagitious violators of the laws of the province from a legal trial, are gross infractions of those rights to which we are justly entitled by the laws of nature, the *British* constitution, and the charter of the province.

4. That no obedience is due from this province, to either or any part of the acts above mentioned, but that they be rejected as the attempts of a wicked administration to enslave *America*.

5. That so long as the justices of our superiour court of judicature, court of assize, &c. and inferior court of common pleas in this county are appointed, or hold their places, by any other tenure than that which the charter and the laws of the province direct, they must be considered as under undue influence, and are therefore unconstitutional officers, and as such no regard ought to be paid to them by the people of this county.

6. That if the justices of the superior court of judicature, assize, &c. justices of the court of common pleas, or of the general sessions of the peace, shall sit and act during their present disqualified state; this county will support and bear harmless all sheriffs and their deputies, constables, jurors and other officers, who shall refuse to carry into execution the orders of said courts; and as far as possible to prevent the many inconveniences which must be occasioned by a suspension of the courts of justice, we do most earnestly recommend it to all creditors, that they show all reasonable and even generous forbearance to their debtors; and to all debtors, to pay their just debts with all possible speed; and if any disputes relative to debts or trespasses shall arise, which cannot be settled by the parties, we recommend it to them, to submit all such causes to arbitration; and it is our opinion that the contending parties or either of them, who shall refuse so to do, ought to be considered as co-operating with the enemies of this country.

7. That it be recommended to the collectors of taxes, constables and all other officers, who have publick monies in their hauds, to retain the same, and not to make any payment thereof to

the provincial county treasurer until the civil government of the province is placed upon a constitutional foundation, or until it shall otherwise be ordered by the proposed provincial congress.

8. That the persons who have accepted seats at the council board, by virtue of a mandamus from the king, in conformity to the late act of the *British* parliament, entitled 'an act for the regulating the government of the *Massachusetts Bay*,' have acted in direct violation of the duty they owe to their country, and have thereby given great and just offence to this people; therefore **RESOLVED**, that this county do recommend it to all persons, who have so highly offended by accepting said departments, and have not already publickly resigned their seats at the council board, to make publick resignations of their places at said board, on or before the 20th day of this instant *September*; and that all persons refusing so to do shall, from and after said day, be considered by this country as obstinate and incorrigible enemies to this country.

9. That the fortifications begun and now carrying on upon *Boston* neck, are justly alarming to this country, and gives us reason to apprehend some hostile intention against that town, more especially as the commander in chief has in a very extraordinary manner removed the powder from the magazine at *Charlestown*, and has also forbidden the keeper of the magazine at *Boston*, to deliver out to the owners the powder, which they had lodged in said magazine.

10. That the late act of parliament, for establishing the Roman catholic religion and the *French* laws, in that extensive country now called *Quebec*, is dangerous in an extreme degree to the protestant religion, and to the civil rights and liberties of all *America*; and therefore, as men and protestant christians, we are indispensably obliged to take all proper measures for our security.

11. That whereas our enemies have flattered themselves, that they shall make an easy prey of this numerous, brave and hardy people, from an apprehension that they are unacquainted with military discipline; we therefore, for the honour, defence and security of this county and province, advise, as it has been recommended to take away all commissions from the officers of the militia, that those who now hold commissions, or such other persons, be elected in each town as officers in the militia, as shall be judged of sufficient capacity for that purpose, and who have evinced themselves the inflexible friends to the rights of the people; and that the inhabitants of those towns and districts, who are qualified, do use their utmost diligence to acquaint themselves with the art of war as soon as possible, and do for that purpose appear under arms, at least once every week.

12. That during the present hostile appearances on the part of *Great Britain*, notwithstanding the many insults and oppressions which we most sensibly resent, yet nevertheless, from our affection to his majesty, which we have at all times evinced, we are determined to act merely upon the defensive, so long as such conduct may be vindicated by reason and the principles of self-preservation, but no longer.

13. That as we understand it has been in contemplation, to apprehend sundry persons of this county, who have rendered themselves conspicuous in contending for the violated rights and liberties of their countrymen; we do recommend, should such an audacious measure be put in practice, to seize and keep in safe custody, every servant of the present tyrannical and unconstitutional government, throughout the county and province, until the persons so apprehended be liberated from the hands of our adversaries, and restored safe and uninjured to their respective friends and families.

14. That until our rights are fully restored to us, we will, to the utmost of our power, and we recommend the same to the other counties, to withhold all commercial intercourse with *Great Britain*, *Ireland*, and the *West Indies*, and abstain from the consumption of *British* merchandize and manufactures, and especially of *East India* teas and piece goods, with such additions, alterations, and exceptions only, as the general congress of the colonies may agree to.

15. That under our present circumstances, it is incumbent on us to encourage arts and manufactures among us by all means in our power, and that—
be and are hereby appointed a committee to consider of the best ways and means to promote and establish the same, and to report to this convention as soon as may be.

16. That the exigencies of our publick affairs demand, that a provincial congress be called to consult such measures as may be adopted, and vigorously executed by the whole people; and we do recommend it to the several towns in this county, to choose members for such a provincial congress, to be holden at *Concord*, on the second *Tuesday* of *October*, next ensuing.

17. That this county, confiding in the wisdom and integrity of the continental congress, now sitting at *Philadelphia*, pay all due respect and submission to such measures as may be recommended by them to the colonies, for the restoration and establishment of their just rights, civil

and religious, and for renewing that harmony and union between *Great Britain* and the colonies so earnestly wished for by all good men.

18. That whereas the universal uneasiness which prevails among all orders of men, arising from the wicked and oppressive measures of the present administration, may influence some unthinking persons to commit outrage upon private property; we would heartily recommend to all persons of this community, not to engage in any routs, riots, or licentious attacks upon the properties of any person whatsoever, as being subversive of all order and government; but by a steady, manly, uniform, and persevering opposition, to convince our enemies, that in a contest so important, in a cause so solemn, our conduct shall be such as to merit the approbation of the wise, and the admiration of the brave and free of every age and of every country.

19. That should our enemies, by any sudden manœuvres, render it necessary to ask the aid and assistance of our brethren in the country, some one of the committee of correspondence, or a select man of such town, or the town adjoining, where such hostilities shall commence, or shall be expected to commence, shall dispatch couriers with written messages to the select men, or committees of correspondence, of the several towns in the vicinity, with a written account of such matter, who shall dispatch others to committees more remote, until proper and sufficient assistance be obtained, and that the expense of said couriers, be defrayed by the county, until it shall be otherwise ordered by the provincial congress.

At a meeting of delegates from the several towns and districts in the county of *Suffolk* held at *Milton*, on *Friday*, the 9th day of *September*, 1774.—VOTED,

That *Dr. Joseph Warren*, of *Boston*, &c. be a committee to wait on his excellency the governor, to inform him, that this county are alarmed at the fortifications making on *Boston neck*, and to remonstrate against the same, and the repeated insults offered by the soldiery, to persons passing and repassing into that town, and to confer with him upon those subjects.

Attest, *WILLIAM THOMPSON*, Clerk.

“To his excellency *THOMAS GAGE*, Esquire, captain-general, and commander in chief of his majesty's province of *Massachusetts Bay*.

May it please your Excellency,

The county of *Suffolk* being greatly, and in their opinion justly, alarmed at the formidable appearances of hostility, now threatening his majesty's good subjects of this county, and more particularly of the town of *Boston*, the loyal and faithful capital of this province, beg leave to address your excellency, and represent, that the apprehensions of the people, are more particularly increased by the dangerous design now carrying into execution, of repairing and manning the fortification at the south entrance of the town of *Boston*, which when completed, may at any time be improved to aggravate the miseries of that already impoverished and distressed city, by intercepting the wonted and necessary intercourse between the town and country, and compel the wretched inhabitants to the most ignominious state of humiliation and vassalage, by depriving them of the necessary supplies of provisions, for which they are chiefly dependant on that communication: We have been informed, that your excellency in consequence of the application of the select men of *Boston*, has indeed disavowed any intention to injure the town in your present manœuvres, and expressed your purpose to be for the security of the troops and his majesty's subjects in the town, we are therefore at a loss to guess, may it please your excellency, from whence your want of confidence in the loyal and orderly people of this vicinity could originate; a measure so formidable carried into execution, from a pre-conceived though causeless jealousy, of the insecurity of his majesty's troops and subjects in the town, deeply wounds the loyalty, and is an additional injury to the faithful subjects of this county, and affords them a strong motive for this application: We therefore intreat your excellency to desist from your design, assuring your excellency, that the people of this county, are by no means disposed to injure his majesty's troops; they think themselves aggrieved and oppressed by the late acts of parliament, and are resolved by divine assistance, never to submit to them, but have no inclination to commence a war with his majesty's troops, and beg leave to observe to your excellency, that the ferment now excited in the minds of the people, is occasioned by some late transactions, by seizing the powder in the arsenal at *Charlestown*; by withholding the powder lodged in the magazine of the town of *Boston*, from the legal proprietors; insulting, beating, and abusing passengers to and from the town by the soldiery, in which they have been encouraged by some of their officers; putting the people in fear, and menacing them in their nightly patrol into the neighbouring towns; and more particularly, by the fortifying the sole avenue by land to the town of *Boston*.

In duty therefore to his majesty and to your excellency, and for the restoration of Order and security to this county, we the delegates from the several towns in this county, being commissioned for this purpose, beg your excellency's attention to this our humble and faithful address; assuring you, that nothing less than an immediate removal of the ordinance, and restoring the entrance into the town to its former state, and an effectual stop of all insults and abuses in future, can place the inhabitants of this county in that state of peace and tranquillity, in which every free subject ought to be."

His excellency was waited on, to know if he would receive the committee with the above written address, but desiring he might have a copy of it in a private way, that so when he received it from the committee, he might have an answer prepared for them, he was accordingly furnished with a copy, his excellency then declared, that he would receive the committee on *monday* at 12 o'clock.

The CONGRESS taking the *foregoing* proceedings of *Suffolk Co.* into consideration.

RESOLVED *unanimously*, That this assembly deeply feels the suffering of their countrymen in the *Massachusetts Bay*, under the operation of the late unjust, cruel, and oppressive acts of the *British* parliament—that they most thoroughly *approve* the wisdom and fortitude, with which opposition to these wicked ministerial measures has hitherto been conducted, and they earnestly recommend to their brethren, a perseverance in the same firm and temperate conduct as expressed in the resolutions determined upon, at a meeting of the delegates for the county of *Suffolk*, on *Tuesday* the 6th instant, trusting that the effect of the united efforts of *North America* in their behalf, will carry such conviction to the *British* nation, of the unwise, unjust, and ruinous policy of the present administration, as quickly to introduce better men and wiser measures.

RESOLVED *unanimously*, That contributions from all the colonies for supplying the necessities, and alleviating the distresses of our brethren at *Boston*, ought to be continued, in such manner, and so long as their occasions may require.

ORDERED, That a copy of the above resolutions be transmitted to *Boston* by the president.

ORDERED, That these resolutions, together with the resolutions of the county of *Suffolk*, be published in the news-papers.

As some other measures respecting the state of things at *Boston*, and connected with the foregoing, appear on the journals, an account of them is here thrown together.

[*Thursday Oct. 6.*] Congress resumed the consideration of the means proper to be used for a restoration of *American* rights. During this debate, an express from *Boston* arrived with a letter from the committee of correspondence, dated the 29th of *September*, which was laid before the congress.

In this the committee of correspondence inform the congress, that they "expected some regard would have been paid to the petitions presented to their governor, against fortifying their town in such a manner, as can be accounted for only upon the supposition, that the town and country are to be treated by the soldiery as declared enemies—that the intrenchments upon the neck are nearly completed—that cannon are mounted at the entrance of the town—that it is currently reported, that fortifications are to be erected on *Corpse-Hill, Bacon-Hill, Fort-Hill, &c.* so that the fortifications, with the ships in the harbour, may absolutely command every avenue to the town both by sea and land—that a number of cannon, the property of a private gentleman, were a few days ago seized and taken from his wharf by order of the general—that from several circumstances mentioned in the letter, there is reason to apprehend, that *Boston* is to be made and kept a garrisoned town;—that from all they can hear from *Britain*, administration is resolved to do all in their power to force them to a submission—that when the town is enclosed, it is apprehended the inhabitants will be held as hostages for the submission of the country, they apply therefore to the congress for *advice* how to act—that, if the congress advise to quit the town, they obey—if it is judged that by maintaining their ground they can better serve the publick cause, they will not shrink from hardship and danger—finally, that as the late acts of parliament have made it impossible that there should be a due administration of justice, and all law therefore must be suspended—that as the governor has by proclamation prevented the meeting of the general court, they therefore request the advice of the congress."

[*Oct. 7.*] Congress resumed the consideration of the letter from the committee of correspondence in *Boston*, and after some debate—

RESOLVED, That a committee be appointed to prepare a letter to his excellency general *Gage*, representing "that the town of *Boston* and province of *Massachusetts Bay*, are considered by all *America* as suffering in the common cause, for their noble and spirited opposition to oppressive

acts of parliament, calculated to deprive us of our most sacred rights and privileges.”—Expressing our concern, that, while the congress are deliberating on the most peaceable means for restoring *American* liberty, and that harmony and intercourse, which subsisted between us and the parent kingdom, so necessary to both, his excellency, as they are informed, is raising fortifications round the town of *Boston*, thereby exciting well grounded jealousies in the minds of his majesty’s faithful subjects therein, that he means to cut off all communication between them and their brethren in the country, and reduce them to a state of submission to his will, and that the soldiers under his excellency’s command, are frequently violating private property, and offering various insults to the people, which must irritate their minds, and if not put a stop to, involve all *America* in the horrors of a civil war.—To entreat his excellency, from the assurance we have of the peaceable disposition of the inhabitants of the town of *Boston* and the province of the *Massachusetts Bay*, to discontinue his fortifications, and that a free and safe communication be restored and continued between the town of *Boston* and the country, and prevent all injuries on the part of the troops, until his majesty’s pleasure shall be known, after the measures now adopting shall have been laid before him.

Mr. Lynch Mr. S. Adams, and Mr. Pendleton, are appointed a committee to draught a letter agreeable to the foregoing resolution.

[Oct. 8.] Congress resumed the consideration of the letter from *Boston*, and upon motion.

RESOLVED, That this congress approve the opposition of the inhabitants of the *Massachusetts Bay*, to the execution of the late acts of parliament; and if the same shall be attempted to be carried into execution by force, in such case, all *America* ought to support them in their opposition.

[Oct. 10.] Congress resuming the consideration of the letter from *Boston*;

RESOLVED unanimously, That it is the opinion of this body, that the removal of the people of *Boston* into the country, would be, not only extremely difficult in the execution, but so important in its consequences, as to require the utmost deliberation before it is adopted; but in case the provincial meeting of that colony should judge it absolutely necessary, it is the opinion of the congress, that all *America* ought to contribute towards recompensing them for the injury they may thereby sustain; and it will be recommended accordingly.

RESOLVED, That the congress recommend to the inhabitants of the colony of *Massachusetts Bay*, to submit to a suspension of the administration of justice, where it cannot be procured in a legal and peaceable manner, under the rules of their present charter, and the laws of the colony founded thereon.

RESOLVED unanimously, That every person and persons whomsoever, who shall take, accept, or act under any commission or authority, if any wise derived from the act passed in the last session of parliament, changing the form of government, and violating the charter of the province of *Massachusetts Bay*, ought to be held in detestation and abhorrence by all good men, and considered as the wicked tools of that despotism, which is preparing to destroy those rights, which God, nature and compact, have given to *America*.

The committee brought in a draught of a letter to general *Gage*, and the same being read and amended, was ordered to be copied and to be signed by the president, in behalf of the congress.

[Oct. 11.] A copy of the letter to general *Gage*, was brought into congress, and agreeable to order, signed by the president, and is as follows:

Philadelphia, October 10, 1774.

SIR,

“The inhabitants of the town of *Boston* have informed us, the representatives of his majesty’s faithful subjects in all the colonies, from *Nova Scotia* to *Georgia*, that the fortifications erecting within that town, the frequent invasions of private property, and the repeated insults they receive from the soldiery, have given them great reason to suspect a plan is formed very destructive to them, and tending to overthrow the liberties of *America*.

“Your excellency cannot be a stranger, to the sentiments of *America* with respect to the acts of parliament, under the execution of which, those unhappy people are oppressed; the approbation universally expressed of their conduct, and the determined resolution of the colonies, for the preservation of their common rights, to unite in their opposition to those acts.—In consequence of these sentiments, they have appointed us the guardians of their rights and liberties, and we are under the deepest concern, that whilst we are pursuing dutiful and peaceable measures to procure a cordial and effectual reconciliation between *Great Britain* and the colonies, your excellency

should proceed in a manner that bears so hostile an appearance, and which even those oppressive acts do not warrant.

“We entreat your excellency to consider, what a tendency this conduct must have to irritate and force a free people, hitherto well disposed to peaceable measures, into hostilities, which may prevent the endeavours of this congress to restore a good understanding with our parent state, and may involve us in the horrors of a civil war.

“In order therefore to quiet the minds, and remove the reasonable jealousies of the people, that they may not be driven to a state of desperation; being fully persuaded of their pacifick disposition towards the king's troops, could they be assured of their own safety; we hope, Sir, you will discontinue the fortifications in and about *Boston*, prevent any further invasions of private property, restrain the irregularities of the soldiers, and give orders that the communication between the town and country may be open, unmolested and free.

Signed by order, and in behalf
of the General Congress,

PEYTON RANDOLPH, president.

As the congress have given general *Gage* an assurance of the peaceable disposition of the people of *Boston* and the *Massachusetts Bay*;

RESOLVED *unanimously*, That they be advised still to conduct themselves peaceably towards his excellency general *Gage*, and his majesty's troops now stationed in the town of *Boston*, as far as can possibly be consistent with their immediate safety, and the security of the town; avoiding and discountenancing every violation of his majesty's property, or any insult to his troops, and that they peaceably and firmly persevere in the line they are now conducting themselves, on the defensive.

ORDERED, That a copy of the foregoing resolve, and of that passed on *Saturday*, and the three passed yesterday, be made out; and that the president enclose them in a letter to the committee of correspondence for the town of *Boston*, being the sentiments of the congress on the matters referred to them by the committee, in their letter of the 29th of *September* last.

It is proper to add here the letter of general *Gage*, in answer to that of the president of congress, [Oct. 10.]

To PEYTON RANDOLPH, Esq;

Boston, October 20, 1774.

Sir,

REPRESENTATIONS should be made with candour, and matters stated exactly as they stand. People would be led to believe, from your letter to me of the 10th instant, that works were raised against the town of *Boston*, private property invaded, the soldiers suffered to insult the inhabitants, and the communication between the town and country shut up, and molested.

Nothing can be farther from the true situation of this place than the above state. There is not a single gun pointed against the town, no man's property has been seized or hurt, except the king's, by the people's destroying straw, bricks, &c. bought for his service. No troops have given less cause for complaint, and greater care was never taken to prevent it, and such care and attention was never more necessary, from the insults and provocations daily given to both officers and soldiers. The communication between the town and country has been always free and unmolested, and is so still.

Two works of earth have been raised at some distance from the town, wide off the road, and guns put in them. The remainder of old works, going out of the town, have been strengthened, and guns placed there likewise. People will think differently, whether the hostile preparation throughout the country, and the menaces of blood and slaughter, made this necessary; but I am to do my duty.

It gives me pleasure that you are endeavouring at a cordial reconciliation with the mother country, which, from what has transpired, I have despaired of. Nobody wishes better success to such measures than myself. I have endeavoured to be a mediator, if I could establish a foundation to work upon, and have strongly urged it to the people here to pay for the tea, and send a proper memorial to the king, which would be a good beginning on their side, and give their friends the opportunity they seek, to move in their support.

I do not believe that menaces, and unfriendly proceedings, will have the effect which too many conceive. The spirit of the *British* nation was high when I left *England*, and such measures will not abate it. But I should hope that decency and moderation here, would create the same disposition at home; and I ardently wish that the common enemies to both countries may see, to

their disappointment, that these disputes between the mother country and the colonies, have terminated like the quarrels of lovers, and increased the affection which they ought to bear to each other. I am, Sir, Your most obedient humble servant.

THOMAS GAGE.

[Oct. 14.] DECLARATION OF RIGHTS.

The *great subjects* which principally occupied the attention of this congress, were those comprehended within the *resolutions* adopted on the first day of its session; relative to the "*rights*" of the colonies, their "*instances of infraction*;" and the "*means to be used for their restoration*."

The *committee*,⁽¹⁾ appointed to state the "*RIGHTS*," made their report *Sep. 22*; which was held under deliberation, and frequently debated, until this day, when congress made the following,

DECLARATIONS AND RESOLVES. (2)

WHEREAS since the close of the last war, the *British* parliament, claiming a power, of right, to bind the people of *America* by statutes in all cases whatsoever, hath in some acts expressly imposed taxes on them, and in others, under various pretences, but in fact, for the purpose of raising a revenue, hath imposed rates and duties payable in these colonies, established a board of commissioners, with unconstitutional powers, and extended the jurisdiction of courts of admiralty, not only for collecting the said duties, but for the trial of causes merely arising within the body of a county.

And WHEREAS, in consequence of other statutes, judges, who before held only estates at will in their offices, have been made dependant on the crown alone for their salaries, and standing armies kept in times of peace: And whereas it has lately been resolved in parliament, that by force of a statute, made in the thirty-fifth year of the reign of king *Henry VIII.* colonists may be transported to *England*, and tried there upon accusations for treasons and misprisons, or concealments of treasons committed in the colonies, and by a late statute, such trials have been directed in cases therein mentioned:

And WHEREAS, in the last session of parliament, three statutes were made; one entitled, "An act to discontinue in such manner and for such times as are therein mentioned, the landing and discharging, lading, or shipping of goods, wares, and merchandize, at the town, and within the harbour of *Boston*, in the province of *Massachusetts Bay* in *North America*;" Another entitled, "An act for the better regulating the government of the province of *Massachusetts bay* in *New England*:" And another entitled "An Act for the impartial administration of justice, in the cases of persons questioned for any act done by them in the execution of the law, or for the suppression of riots and tumults, in the province of the *Massachusetts Bay* in *New England*:" And another statute was then made, "for making more effectual provision for the government of the province of *Quebec, &c.*" All which statutes are impolitic, unjust, and cruel, as well as unconstitutional, and most dangerous and destructive of *American* rights;

And WHEREAS, assemblies have been frequently dissolved, contrary to the rights of the people, when they attempted to deliberate on grievances; and their dutiful, humble, loyal, and reasonable petitions to the crown for redress, have been repeatedly treated with contempt, by his majesty's ministers of state.

The good people of the several colonies of *New Hampshire, Massachusetts bay, Rhode Island* and *Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Newcastle, Kent* and *Sussex*, on *Delaware, Maryland, Virginia, North Carolina, and South Carolina*; justly alarmed at these arbitrary proceedings of parliament and administration, have severally

(1) *Names, ante. p. 106.* (2) *This declaration of rights in the shape of resolves as agreed to, merits peculiar attention, because it states precisely the ground then taken by America, and evidences the terms on which a satisfactory reconciliation was practicable. It is observable, that rights were at this period asserted, which, in the commencement of the contest, were not generally maintained; and that, even then, the exclusive right of legislation in the colonial legislatures, with the exception of acts of the British parliament, bona fide made to regulate and restrain external commerce, which from necessity were consented to, was not unanimously avowed. While this declaration was under debate, it is stated by Mr. Gordon, that Mr. Galloway, of Pennsylvania, and Mr. Duane, of New York, inclined to the side of ministry. The former became a member at the earnest solicitation of the assembly, and refused compliance till they had given him instructions agreeable to his own mind, as the rule of his conduct. These instructions they suffered him to draw up: they were briefly to state the rights and the grievances of America, and to propose a plan of amicable accommodation of the differences between Great Britain and the colonies, and of a perpetual union. September the twenty-eighth, a plan was proposed by him, which was debated a whole day, when the question was carried, six colonies to five, that it should be resumed and further considered; but it at length fell through. The ten resolutions which the*

elected, constituted, and appointed deputies to meet and sit in general congress, in the city of *Philadelphia*, in order to obtain such establishment; as that their religion, laws, and liberties, may not be subverted: Whereupon the deputies so appointed being now assembled, in a full and free representation of these colonies, taking into their most serious consideration, the best means of attaining the ends aforesaid, do in the first place, as Englishmen their ancestors, in like cases have usually done, for asserting and vindicating their rights and liberties, **DECLARE,**

That the inhabitants of the *English* colonies in *North America*, by the immutable laws of nature, the principles of the *English* constitution, and the several charters or compacts, have the following rights.

1. **RESOLVED**, N. C. D. That that they are entitled to life, liberty, and property: and they have never ceded to any sovereign power whatever, a right to dispose of either without their consent.

2. **RESOLVED**, N. C. D. That our ancestors, who first settled these colonies, were at the time of their emigration from the mother country, entitled to all the rights, liberties, and immunities of free and natural born subjects, within the realm of *England*.

3. **RESOLVED** N. C. D. That by such emigration they by no means forfeited, surrendered, or lost any of those rights, but that they were, and their descendants now are, entitled to the exercise and enjoyment of all such of them, as their local and other circumstances enable them to exercise and enjoy.

4. **RESOLVED**, That the foundation of *English* liberty and of all free government, is, a right in the people to participate in their legislative council: and as the *English* colonists are not represented, and from their local and other circumstances cannot properly be represented in the *British* parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed: But from the necessity of the case, and a regard to the mutual interests of both countries, we cheerfully consent to the operation of such acts of the *British* parliament, as are *bona fide*, restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members; excluding every idea of taxation internal or external, for raising a revenue on the subjects in *America* without their consent.

5. **RESOLVED**, N. C. D. That the respective colonies are entitled to the common law of *England*, and more especially to the great and inestimable privilege of being tried by their peers of the Vicinage, according to the course of that law.

6. **RESOLVED**, That they are entitled to the benefit of such of the *English* statutes, as existed at the time of their colonization; and which they have, by experience, respectively found to be applicable to their several local and other circumstances.

7. **RESOLVED**, N. C. D. That these, his majesty's colonies, are likewise entitled to all the immunities and privileges granted and confirmed to them by royal charters, or secured by their several codes of provincial laws.

8. **RESOLVED**, N. C. D. That they have a right peaceably to assemble, consider of their grievances, and petition the king; and that all prosecutions, prohibitory proclamations, and commitments for the same, are illegal.

9. **RESOLVED**, N. C. D. That the keeping a standing army in these colonies, in times of

congress came to in their declaration, expressing their indubitable rights and liberties, met with very considerable opposition. Mr. Duane, and others who drew with him, perplexed the proposals made by the high sons of liberty, so that the congress did not come to a single resolution for more than a fortnight, neither in stating their rights nor their grievances.—When six days before that declaration, on October the eighth, the resolution was passed. "That the congress approve the opposition of the inhabitants of the Massachusetts bay to the execution of the late acts; and if the same shall be attempted," &c. Galloway and Duane not only opposed, but wanted to have their protest entered; which being refused, on their return from congress they gave each other a certificate, declaring their opposition to that question, as they thought it a treasonable one. In some stages of their proceedings, the danger of a rupture with Britain was urged as a plea for certain concessions. Upon this Mr. S. Adams rose up, and among other things said, in substance, "I should advise persisting in our struggle for liberty, though it was revealed from Heaven that 999 were to perish, and only one of a thousand to survive and retain his liberty. One such freeman must possess more virtue, and enjoy more happiness, than a thousand slaves; and let him propagate his like, and transmit to them what he hath so nobly preserved."

peace, without the consent of the legislature of that colony in which such army is kept, is against law.

10. **RESOLVED**, N. C. D. It is indispensably necessary to good government, and rendered essential by the *English* constitution, that the constituent branches of the legislature be independent of each other; that, therefore, the exercise of legislative power in several colonies, by a council appointed, during pleasure, by the crown, is unconstitutional, dangerous, and destructive to the freedom of *American* legislation.

ALL and each of which, the aforesaid deputies in behalf of themselves, and their constituents, do claim, demand, and insist on, as their indubitable rights and liberties; which cannot be legally taken from them, altered, or abridged by any power whatever, without their own consent, by their representatives in their several provincial legislatures.

In the course of our inquiry, we find many infringements and violations of the foregoing rights, which, from an ardent desire that harmony and mutual intercourse of affection and interest may be restored, we pass over for the present, and proceed to state such acts and measures as have been adopted since the last war, which demonstrate a system formed to enslave *America*.

RESOLVED, N. C. D. That the following acts of parliament are infringements and violations of the rights of the colonists; and that the repeal of them is essentially necessary, in order to restore harmony between *Great Britain* and the *American* colonies, viz.

The several acts of 4 Geo. III. ch. 15. (1) and ch. 34. (2) 5 Geo. III. ch. 25. (3) 6 Geo. III. ch. 52. (4) 7 Geo. III. ch. 41. (5) and ch. 46. (6) 8 Geo. III. ch. 22. (7) which impose duties for the purpose of raising a revenue in *America*, extend the power of the admiralty courts beyond their ancient limits, deprive the *American* subject of trial by jury, authorise the judges certificate to indemnify the prosecutor from damages, that he might otherwise be liable to, requiring oppressive security from a claimant of ships and goods seized, before he shall be allowed to defend his property, and are subversive of *American* rights.

Also 12 Geo. III. ch. 24. (8) entitled, "An Act for the better securing his majesty's dock-yards, magazines, ships, ammunition, and stores," which declares a new offence in *America*, and deprives the *American* subject of a constitutional trial by jury of the Vicinage, by authorising the trial of any person, charged with the committing any offence described in the said act, out of the realm, to be indicted and tried for the same in any shire or county within the realm.

Also the three acts passed in the last session of parliament, for stopping the port and blocking up the harbour of *Boston*, (9) for altering the charter and government of *Massachusetts bay*, (10) and that which is entitled, "An Act for the better administration of justice, &c." (11)

Also the act passed in the same session for establishing the Roman catholic religion in the province of *Quebec*, abolishing the equitable system of *English* laws, and erecting a tyranny there, to the great danger, (from so total a dissimilarity of religion, law, and government) of the neighbouring *British* colonies, by the assistance of whose blood and treasure the said country was conquered from *France*. (12)

Also the act passed in the same session for the better providing suitable quarters for officers and soldiers in his majesty's service in *North America*. (13)

(1) IX Stat. 150. Ap. 5. Called the "sugar act," see p. ante 16. and note p. 29. (2) IX Stat. 199. Declaring all acts for making bills of credit, a tender in the colonies after Sep. 1, 1764, void, and no emissions before made to be a tender beyond the period limited for sinking, or calling them in—passed Ap. 1764. (3) X Stat. 44. This act repeals 9 Ann. c. 10. establishing a Post Office in the *British* dominions and colonies: so far as respects rates of postage, &c. after Oct. 10, 1765, and establishes other rates with many additional provisions. (See p. 12, ante.) (4) X Stat. 269. Passed in 1766. an act which repealed the "sugar act" of Ap. 1764. and all duties, &c. and in lieu of them, laid 1d duty per gallon, on molasses: 7 shillings on every cwt. of coffee: and a half penny on every lb. of pepper, imported into the colonies: See ante p. 16. (5) X Stats. 340. Establishing a board of commissioners of revenue in the colonies: passed June, 1767. See ante p. 27. (6) X Stats. 369. Granting duties on glass, &c. passed June 1767, and repealed, except tea, in Ap. 1770. See ante p. 27. (7) X Stats. 483. Passed 1768, and authorizes prosecutions for forfeitures and penalties in cases of revenue, after 1 Sep. 1768, in any court of vice-admiralty, appointed or to be appointed, within any colony or place, where the cause &c. shall arise: and gives an appeal to such vice-admiralty courts, from causes determined in the other courts of admiralty. (8) XI Stats. 402. Passed in June 1772. (9) XII Stats. 47. 12 G. 3. c. 19. Mar. 1774. (10) Ibid. 84. 12 G. 3. c. 45. June, 1774. (11) Ibid. 75. 12 G. 3. c. 39. June, 1774. (12) Ibid. 184. 14 G. 3. c. 83. June, 1774. (13) Ibid. 96. 12 G. 3. c. 54. June, 1774. It is to be observed that the "titles" of the several acts are not stated by Congress, nor the subjects; I have referred to the book, page, time of passing, subjects, &c. It is remarkable that Congress

Also, that the keeping a standing army in several of these colonies, in time of peace, without the consent of the legislature of that colony in which such army is kept, is against law.

To these grievous acts and measures, *Americans cannot submit*, but in hopes their fellow subjects in Great Britain will, on a revision of them, restore us to that state, in which both countries found happiness and prosperity, we have for the *present*, only resolved to pursue the following peaceable measures; 1. To enter into a non-importation, non-consumption, and non-exportation agreement or association. 2. To prepare an address to the people of *Great Britain*, and a memorial to the inhabitants of *British America*: And 3. To prepare a loyal address to his *majesty*, agreeable to resolutions already entered into.

In the foregoing "*declaration of rights*," it will be seen, that the congress in conclusion, say, "to these grievous acts and measures, *Americans cannot submit*;" but in hopes of their revision, and the restoration of harmony again, they for the present only had resolved, to enter into, 1. A "*non-importation*, non-consumption, and non-exportation agreement." 2. To prepare an *address* to the *people* of *Great Britain*," and "a *memorial* to the inhabitants of *British America*;" 3. "A *loyal address* to his *majesty*;"—as MEANS whereby so desirable an event might be secured.

Previously to the "*declaration of rights*," viz. on the 27th and 30th of *September*, they had come to the following resolves;

First, That from and after the *first* day of *December* next, there be no *importation* into *British America* from *Great Britain* or *Ireland*, of any goods, wares or merchandize whatever, or from any other place, of any such goods, wares or merchandizes, as shall have been exported from *Great Britain* or *Ireland*; and that no such goods, wares or merchandizes, imported after the said *first* day of *December* next, be used or purchased.—

Second, That from and after the 10th day of *September*, 1775, the *exportation* of all merchandize and every commodity whatsoever, to *Great Britain*, *Ireland*, and the *West Indies*, ought to cease, unless the grievances of *America* are redressed before that time—and

That Mr. *Cushing*, Mr. *Low*, Mr. *Mifflin*, Mr. *Lee*, and Mr. *Johnson*, be a committee to bring in a plan for carrying into effect, the non-importation, non-consumption, and non-exportation, resolved on.—

To these resolves on the 6th of *Oct.* in debating on the "*means*" &c. they added another, viz. "That the committee appointed to prepare the form of an association, be directed to adopt the following clause, viz.—That from and after the *first* day of *December* next, no molasses, coffee or pimento, from the *British* plantations or from *Dominica*, or wines from *Madeira* and the *Western* Islands, or foreign indigo, be *imported* into these colonies."

On the 12th of *Oct.* this committee reported a plan for carrying into effect the "*non-importation agreement*, &c." which after being several days under consideration and debate, was agreed to, and ordered to be transcribed, that it might be *signed* by the several members:

[*Oct. 20.*] The *association* being copied, was read and signed at the table; (1) and is as follows:

NON-IMPORTATION AGREEMENT, &c.

WE his *majesty's* most loyal subjects, the delegates of the several colonies of *New Hampshire*, *Massachusetts bay*, *Rhode Island*, *Connecticut*, *New York*, *New Jersey*, *Pennsylvania*, the three lower counties of *Newcastle*, *Kent*, and *Sussex* on *Delaware*, *Maryland*, *Virginia*, *North Carolina*, and *South Carolina*, deputed to represent them in a continental congress held in the city of *Philadelphia*, on the *fifth* day of *September*, 1774; avowing our allegiance to his *majesty*, our affection and regard for our fellow subjects in *Great Britain* and elsewhere, affected with the deepest anxiety and most alarming apprehensions, at those grievances and distresses with which his *majesty's* *American* subjects are oppressed; and having taken under our most serious deliberation, the state of the whole continent; find, that the present unhappy situation of our affairs is occasioned, by a ruinous system of colony administration adopted by the *British* ministry, about the

(1) *The whole number of delegates was 55. It was signed by all except "Samuel Rhoads, and Robert Goldsborough, Esqs." who were probably absent.*

take no notice of the "declaratory act," passed in 1766, nor the act in 1767, 7 Geo. 3. c. 59. Suspending legislation in New York, until the assembly complied with the mutiny act: perhaps this last act had been complied with, and was obsolete.

year 1763, evidently calculated for enslaving these colonies, and, with them, the *British* empire. In prosecution of which system, various acts of parliament have been passed for raising a revenue in *America*, for depriving the *American* subjects, in many instances, of the constitutional trial by jury, exposing their lives to danger, by directing a new and illegal trial beyond the seas, for crimes alledged to have been committed in *America*: And in prosecution of the same system, several late, cruel, and oppressive acts, have been passed respecting the town of *Boston* and the *Massachusetts bay*, and also an act for extending the province of *Quebec*, so as to border on the western frontiers of these colonies, establishing an arbitrary government therein, and discouraging the settlement of *British* subjects in that wide extended country; thus, by the influence of civil principles and ancient prejudices, to dispose the inhabitants to act with hostility against the free protestant colonies, whenever a wicked ministry shall choose so to direct them.

To obtain redress of these grievances, which threaten destruction to the lives, liberty, and property of his majesty's subjects in *North America*, we are of opinion; that a non-importation, non-consumption, and non-exportation agreement, faithfully adhered to, will prove the most speedy, effectual, and peaceable measure: And therefore we do, for ourselves, and the inhabitants of the several colonies whom we represent, firmly agree and associate under the sacred ties of virtue, honour and love of our country, as follows:

First, That from and after the first day of *December* next, we will not import into *British America*, from *Great Britain* or *Ireland*, any goods, wares, or merchandize whatsoever, or from any other place, any such goods, wares, or merchandize, as shall have been exported from *Great Britain* or *Ireland*; nor will we, after that day, import any *East India* tea from any part of the world; nor any molasses, syrups, paneles, coffee, or pimento, from the *British* plantations or from *Dominica*; nor wines from *Madeira*, or the *Western Islands*; nor foreign indigo.

Second, We will neither import nor purchase, any slave imported after the first day of *December* next; after which time, we will wholly discontinue the slave trade, and will neither be concerned in it ourselves, nor will we hire our vessels, nor sell our commodities or manufactures to those who are concerned in it.

Third, As a non-consumption agreement, strictly adhered to, will be an effectual security for the observation of the non-importation, we as above, solemnly agree and associate, that from this day, we will not purchase or use any tea imported on account of the *East India Company*, or any on which a duty hath been or shall be paid; and from and after the first day of *March* next, we will not purchase or use any *East India* tea whatever; nor will we, nor shall any person for or under us, purchase or use any of those goods, wares, or merchandize, we have agreed not to import, which we shall know, or have cause to suspect, were imported after the first day of *December*, except such as come under the rules and directions of the tenth article hereafter mentioned.

Fourth, The earnest desire we have, not to injure our fellow-subjects in *Great Britain*, *Ireland*, or the *West Indies*, induces us to suspend a non-exportation, until the tenth day of *September*, 1775; at which time, if the said acts and parts of acts of the *British* parliament herein after mentioned, are not repealed, we will not, directly or indirectly, export any merchandize or commodity whatsoever to *Great Britain*, *Ireland*, or the *West Indies*, except rice to *Europe*.

Fifth, Such as are merchants, and use the *British* and *Irish* trade, will give orders as soon as possible to their factors, agents and correspondents, in *Great Britain* and *Ireland*, not to ship any goods to them on any pretence whatsoever, as they cannot be received in *America*; and if any merchant, residing in *Great Britain* or *Ireland*, shall directly or indirectly ship any goods, wares or merchandize, for *America*, in order to break the said non-importation agreement, or in any manner contravene the same, on such unworthy conduct being well attested, it ought to be made publick; and, on the same being so done, we will not from thenceforth have any commercial connexion with such merchant.

Sixth, That such as are owners of vessels will give positive orders to their captains, or masters, not to receive on board their vessels any goods prohibited by the said non-importation agreement, on pain of immediate dismission from their service.

Seventh, We will use our utmost endeavours to improve the breed of sheep, and increase their number to the greatest extent; and to that end, we will kill them as seldom as may be, especially those of the most profitable kind; nor will we export any to the *West Indies* or elsewhere; and those of us, who are or may become overstocked with, or can conveniently spare, sheep, will dispose of them to our neighbours, especially to the poorer sort, on moderate terms.

Eighth, We will in our several stations, encourage frugality, economy, and industry; and pro-

mote agriculture, arts and the manufactures of this country, especially that of wool; and will discountenance and discourage every species of extravagance and dissipation, especially all horse racing, and all kinds of gaming, cock fighting, exhibitions of shows, plays, and other expensive diversions and entertainments; and on the death of any relation or friend, none of us, or any of our families, will go into any further mourning dress, than a black crape or ribbon on the arm or hat for gentlemen, and a black ribbon and necklace for ladies, and we will discontinue the giving of gloves and scarves at funerals.

Ninth, Such as are venders of goods or merchandize, will not take advantage of the scarcity of goods that may be occasioned by this association, but will sell the same at the rates we have been respectively accustomed to do, for twelve months last past.—And if any vender of goods or merchandize shall sell any such goods on higher terms, or shall in any manner, or by any device whatsoever, violate or depart from this agreement, no person ought, nor will any of us deal with any such person, or his, or her factor or agent, at any time thereafter, for any commodity whatever.

Tenth, In case any merchant, trader, or other persons, shall import any goods or merchandize after the *first* day of *December*, and before the *first* day of *February* next, the same ought forthwith, at the election of the owner, to be either re-shipped or delivered up to the committee of the county, or town wherein they shall be imported, to be stored at the risque of the importer, until the non-importation agreement shall cease, or be sold under the direction of the committee aforesaid; and in the last mentioned case, the owner or owners of such goods shall be reimbursed (out of the sales) the first cost and charges; the profit, if any, to be applied towards relieving and employing such poor inhabitants of the town of *Boston*, as are immediate sufferers by the *Boston* port bill; and a particular account of all goods so returned, stored, or sold, to be inserted in the publick papers; and if any goods or merchandizes shall be imported after the said *first* day of *February*, the same ought forthwith to be sent back again, without breaking any of the packages thereof.

Eleventh, That a committee be chosen in every county, city, and town, by those who are qualified to vote for representatives in the legislature, whose business it shall be, attentively to observe the conduct of all persons touching this association; and when it shall be made to appear, to the satisfaction of a majority of any such committee, that any person within the limits of their appointment has violated this association, that such majority do forthwith cause the truth of the case to be published in the *Gazette*, to the end, that all such foes to the rights of *British America*, may be publickly known and universally contemned, as the enemies of *American* liberty; and thenceforth we respectively will break off all dealings with him or her.

Twelfth, That the committee of correspondence in the respective colonies, do frequently inspect the entries of their custom houses, and inform each other from time to time of the true state thereof, and of every other material circumstance that may occur, relative to this association.

Thirteenth, That all manufactures of this country be sold at reasonable prices, so that no undue advantage be taken of a future scarcity of goods.

Fourteenth, And we do further agree and resolve, that we will have no trade, commerce, dealings or intercourse whatsoever, with any colony or province in *North America*, which shall not accede to, or which shall hereafter violate this association, but will hold them as unworthy of the rights of freemen, and as inimical to the liberties of their country.

AND WE DO SOLEMNLY BIND OURSELVES and our constituents, under the ties aforesaid, to adhere to this association, until such parts of the several acts of parliament, passed since the close of the last war, as impose or continue duties on tea, wine, molasses, syrups, paneles, coffee, sugar, pimento, indigo, foreign paper, glass, and painters colours, imported into *America*, and extend the powers of the admiralty courts beyond their ancient limits, deprive the *American* subject of trial by jury, authorize the judge's certificate to indemnify the prosecutor from damages, that he might otherwise be liable to from a trial by his peers, require oppressive security from a claimant of ships or goods seized, before he shall be allowed to defend his property, are repealed.—And until that part of the act of the 12 G. 3. ch. 24. entitled, "An act for the better securing his majesty's dockyards, magazines, ships, ammunition and stores," by which any persons charged with committing any of the offences therein described, in *America*, may be tried in any shire or county within the realm, is repealed.—And until the four acts passed the last session of parliament, viz. that for stopping the port and blocking up the harbour of *Boston*—that for altering the charter and government of the *Massachusetts bay*—and that which is entitled, "An act for the better ad-

ministration of justice, &c."—And that "For extending the limits of *Quebec*, &c." are repealed. And we recommend it to the provincial conventions, and to the committees in the respective colonies, to establish such further regulations as they may think proper, for carrying into execution this association.

The foregoing association being determined upon by the congress, was ordered to be subscribed by the several members thereof; and thereupon we have hereunto set our respective names accordingly.

In congress, Philadelphia, Oct. 24.

Signed PEYTON RANDOLPH, *president*.

ANOTHER of the means adopted to produce a restoration of rights &c. was, a "*memorial to the people of British America*," and "*an address to the people of Great Britain*."

On the 11th of Oct. congress had unanimously RESOLVED, That a memorial be prepared to the people of *British America*, stating the necessity of a firm, united, and invariable observation of the measures recommended by the congress, as they tender the invaluable rights and liberties derived to them, from the laws and constitution of their country.

Also, that an address be prepared to the people of *Great Britain*: That Mr. Lee, Mr. Livingston, and Mr. Jay, be a committee to prepare the memorial and address.

The committee reported an "*address to the people of Great Britain*," on the 18th of Oct. It was debated on the 19th and re-committed.

[Oct. 21.] The address &c. (1) was brought in and approved, and is as follows:

ADDRESS TO THE PEOPLE OF GREAT BRITAIN.

To the PEOPLE OF GREAT BRITAIN, from the DELEGATES, appointed by the several English Colonies of New-Hampshire, Massachusetts bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, the Lower counties on Delaware, Maryland, Virginia, North Carolina and South Carolina; to consider of their grievances in General Congress, at Philadelphia, September 5th, 1774.

Friends and fellow subjects,

When a nation, led to greatness by the hand of liberty, and possessed of all the glory that heroism, munificence, and humanity can bestow, descends to the ungrateful task of forging chains for her friends and children, and instead of giving support to freedom, turns advocate for slavery and oppression; there is reason to suspect she has either ceased to be virtuous, or been extremely negligent in the appointment of her rulers.

In almost every age, in repeated conflicts, in long and bloody wars, as well civil as foreign, against many and powerful nations, against the open assaults of enemies, and the more dangerous treachery of friends; have the inhabitants of your island, your great and glorious ancestors, maintained their independence, and transmitted the rights of men and the blessings of liberty, to you their posterity.

Be not surprised therefore, that we, who are descended from the same common ancestors; that we, whose forefathers participated in all the rights, the liberties, and the constitution, you so justly boast of; and who have carefully conveyed the same fair inheritance to us, guaranteed by the plighted faith of government and the most solemn compacts with *British* sovereigns; should refuse to surrender them to men, who found their claims on no principles of reason, and who prosecute them with a design, that by having *our* lives and property in their power, they may with the greater facility enslave you.

The cause of *America* is now the object of universal attention: it has at length become very serious. This unhappy country has not only been oppressed, but abused and misrepresented; and the duty we owe to ourselves and posterity, to your interest, and the general welfare of the *British* empire, leads us to address you on this very important subject.

Know then, That we consider ourselves, and do insist, that we are and ought to be, as free as our fellow subjects in *Britain*, and that no power on earth has a right to take our property from us without our consent.

That we claim all the benefits secured to the subject by the *English* constitution, and particularly that inestimable one of trial by Jury.

(1) Mr. Marshall in a note observes "*that the composition of this eloquent and manly address, has been generally attributed to Mr. Jay.*"

That we hold it essential to *English* liberty, that no man be condemned unheard, or punished for supposed offences, without having an opportunity of making his defence.

That we think the legislature of Great Britain is not authorized by the constitution, to establish a religion fraught with sanguinary and impious tenets, or, to erect an arbitrary form of government, in any quarter of the globe. These rights we, as well as you, deem sacred. And yet, sacred as they are, they have, with many others, been repeatedly and flagrantly violated.

Are not the proprietors of the soil of *Great Britain* lords of their own property? can it be taken from them without their consent? will they yield to the arbitrary disposal of any man, or number of men whatever?—You know they will not.

Why then are the proprietors of the soil of *America*, less lords of their property than you are of yours? or why should they submit it to the disposal of your parliament, or any other parliament or council in the world, not of their election? Can the intervention of the sea that divides us, cause disparity in rights? or can any reason be given, why *English* subjects, who live three thousand miles from the royal Palace, should enjoy less liberty than those who are three hundred miles distant from it?

Reason looks with indignation on such distinctions, and freemen can never perceive their propriety. And yet, however chimerical and unjust such discriminations are, the parliament assert, that they have a right to bind us in all cases without exception, whether we consent or not; that they may take and use our property when and in what manner they please; that we are pensioners on their bounty for all that we possess, and can hold it no longer than they vouchsafe to permit. Such declarations we consider as heresies in *English* politics, and which can no more operate to deprive us of our property, than the interdicts of the pope can divest kings of sceptres, which the laws of the land and the voice of the people have placed in their hands.

At the conclusion of the late war—a war rendered glorious by the abilities and integrity of a minister, to whose efforts the *British* empire owes its safety and its fame—At the conclusion of this war, which was succeeded by an inglorious peace, formed under the auspices of a minister, of principles and of a family, unfriendly to the protestant cause, and inimical to liberty—We say at this period, and under the influence of this man, a plan for enslaving your fellow subjects in *America* was concerted, and has ever since been pertinaciously carrying into execution.

Prior to this era, you were content with drawing from us the wealth produced by our commerce. You restrained our trade in every way that could conduce to your emolument. You exercised unbounded sovereignty over the sea. You named the ports and nations to which alone our merchandize should be carried, and with whom alone we should trade; and though some of these restrictions were grievous, we nevertheless did not complain; we looked up to you as to our parent state, to which we were bound by the strongest ties, and were happy in being instrumental to your prosperity and your grandeur.

We call upon you yourselves, to witness our loyalty and attachment to the common interest of the whole empire: Did we not, in the last war, add all the strength of this vast continent to the force which repelled our common enemy? Did we not leave our native shores, and meet disease and death, to promote the success of *British* arms in foreign climates? Did you not thank us for our zeal, and even reimburse us large sums of money, which, you confessed, we had advanced beyond our proportion, and far beyond our abilities? You did.

To what causes then, are we to attribute the sudden change of treatment, and that system of slavery which was prepared for us at the restoration of peace?

Before we had recovered from the distresses which ever attend war, an attempt was made to drain this country of all its money, by the oppressive stamp act. Paint, glass, and other commodities, which you would not permit us to purchase of other nations, were taxed; nay, although no wine is made in any country, subject to the *British* state, you prohibited our procuring it of foreigners, without paying a tax imposed by your parliament, on all we imported. These, and many other impositions, were laid upon us most unjustly and unconstitutionally, for the express purpose of raising a revenue. In order to silence complaint, it was, indeed, provided, that this revenue should be expended in *America* for its protection and defence.—These exactions, however, can receive no justification from a pretended necessity of protecting and defending us. They are lavishly squandered on court favourites and ministerial dependents, generally avowed enemies to *America*, and employing themselves, by partial representations, to traduce and embroil the colonies. For the necessary support of government here, we ever were and ever shall be ready to provide. And whenever the exigencies of the state may require it, we shall, as we have heretofore done, cheerfully contribute our full proportion of men and money. To enforce this

unconstitutional and unjust scheme of taxation, every fence that the wisdom of our *British* ancestors had carefully erected against arbitrary power, has been violently thrown down in *America*, and the inestimable right of trial by Jury taken away, in cases that touch both life and property. It was ordained, that whenever offences should be committed in the colonies against particular acts, imposing various duties and restrictions upon trade, the prosecutor might bring his action for the penalties in the courts of admiralty; by which means the subject lost the advantage of being tried by an honest uninfluenced Jury of the vicinage, and was subjected to the sad necessity of being judged by a single man, a creature of the crown, and according to the course of a law which exempts the prosecutor from the trouble of proving his accusation, and obliges the defendant either to evince his innocence, or to suffer. To give this new judiciary the greater importance, and as if with design to protect false accusers, it is further provided, that the judge's certificate of there having been probable causes of seizure and prosecution, shall protect the prosecutor from actions at common law for recovery of damages.

By the course of our law, offences committed in such of the *British* dominions, in which courts are established and justice duly and regularly administered, shall be there tried by a jury of the vicinage. There the offenders and the witnesses are known, and the degree of credibility to be given to their testimony can be ascertained.

In all these colonies, justice is regularly and impartially administered, and yet by the construction of some, and the direction of other acts of parliament, offenders are to be taken by force, together with all such persons as may be pointed out as witnesses, and carried to *England*, there to be tried in a distant land, by a *jury* of strangers, and subject to all the disadvantages that result from want of friends, want of witnesses, and want of money.

When the design of raising a revenue, from the duties imposed on the importation of tea into *America*, had in great measure been rendered abortive by our ceasing to import that commodity, a scheme was concerted by the ministry with the East India company, and an act passed enabling and encouraging them to transport and vend it in the colonies. Aware of the danger of giving success to this insidious manœuvre, and of permitting a precedent of taxation thus to be established among us, various methods were adopted to elude the stroke. The people of *Boston*, then ruled by a governor, (1) whom, as well as his predecessor, sir *Francis Bernard*, all *America* considers as her enemy, were exceedingly embarrassed. The ships which had arrived with the tea, were by his management prevented from returning.—The duties would have been paid; the cargoes landed and exposed to sale; a governor's influence would have procured and protected many purchasers. While the town was suspended by deliberations on this important subject, the tea was destroyed. Even supposing a trespass was thereby committed, and the proprietors of the tea entitled to damages, the courts of law were open, and judges appointed by the crown presided in them.—The *East India* company however did not think proper to commence any suits, nor did they even demand satisfaction either from individuals, or from the community in general. The ministry it seems, officiously, made the case their own, and the great council of the nation, descended to intermeddle with a dispute about private property. Divers papers, letters, and other unauthenticated *ex parte* evidence were laid before them; neither the persons who destroyed the tea, nor the people of *Boston*, were called upon to answer the complaint. The ministry, incensed by being disappointed in a favourite scheme, were determined to recur from the little arts of finesse, to open force and unmanly violence. The port of *Boston* was blocked up by a fleet, and an army placed in the town. Their trade was to be suspended, and thousands reduced to the necessity of gaining subsistence from charity, till they should submit to pass under the yoke, and consent to become slaves by confessing the omnipotence of parliament, and acquiescing in whatever disposition they might think proper to make, of their lives and property.

Let justice and humanity cease to be the boast of your nation! consult your history; examine your records of former transactions; nay, turn to the annals of the many arbitrary states and kingdoms that surround you, and show us a single instance, of men being condemned to suffer for imputed crimes, unheard, unquestioned, and without even the specious formality of a trial; and that too by laws made expressly for the purpose, and which had no existence at the time of the fact committed. If it be difficult to reconcile these proceedings to the genius and temper of your laws and constitution, the task will become more arduous, when we call upon our ministerial enemies to justify, not only condemning men untried and by hearsay, but involving the innocent in one common punishment with the guilty, and for the act of thirty or forty, to bring poverty, distress and

(1) *Thomas Hutchinson*.

calamity on thirty thousand souls, and those not your enemies, but your friends, brethren, and fellow-subjects.

It would be some consolation to us, if the catalogue of *American* oppressions ended here. It gives us pain to be reduced to the necessity of reminding you, that under the confidence reposed in the faith of government, pledged in a royal charter from a *British* sovereign, the fore-fathers of the present inhabitants of the *Massachusetts-bay* left their former habitations, and established that great, flourishing, and loyal colony. Without incurring or being charged with a forfeiture of their rights, without being heard, without being tried, without law, and without justice, by an act of parliament, their charter is destroyed, their liberties violated, their constitution and form of government changed: And all this upon no better pretence, than because in one of their towns a trespass was committed on some merchandize, said to belong to one of the companies, and because the ministry were of opinion, that such high political regulations were necessary, to compel due subordination and obedience to their mandates.

Nor are these the only capital grievances under which we labour. We might tell of dissolute, weak, and wicked governors having been set over us; of legislatures being suspended for asserting the rights of *British* subjects; of needy and ignorant dependents on great men advanced to the seats of justice, and to other places of trust and importance; of hard restrictions on commerce, and a great variety of lesser evils, the recollection of which is almost lost under the weight and pressure of greater and more poignant calamities.

Now mark the progression of the ministerial plan for enslaving us.

Well aware that such hardy attempts to take our property from us, to deprive us of that valuable right of trial by jury, to seize our persons and carry us for trial to *Great Britain*, to blockade our ports, to destroy our charters, and change our forms of government, would occasion, and had already occasioned great discontent in the colonies, which might produce opposition to these measures; An act was passed to protect, indemnify, and screen from punishment, such as might be guilty even of murder, in endeavouring to carry their oppressive edicts into execution: and by another act, the dominion of *Canada* is to be so extended, modelled, and governed, as that by being disunited from us, detached from our interests, by civil as well as religious prejudices, that by their numbers daily swelling with catholic emigrants from Europe, and by their devotion to administration, so friendly to their religion; they might become formidable to us, and on occasion, be fit instruments in the hands of power, to reduce the ancient, free protestant colonies, to the same state of slavery with themselves.

This was evidently the object of the act: and in this view, being extremely dangerous to our liberty and quiet, we cannot forbear complaining of it, as hostile to *British America*. Superadded to these considerations, we cannot help deploring the unhappy condition to which it has reduced the many *English* settlers, who, encouraged by the royal proclamation, promising the enjoyment of all their rights, have purchased estates in that country.—They are now the subjects of an arbitrary government, deprived of trial by jury, and when imprisoned, cannot claim the benefit of the *Habeas Corpus* act, that great bulwark and palladium of *English* liberty:—Nor can we suppress our astonishment, that a *British* parliament should ever consent to establish in that country, a religion that has deluged your island in blood, and dispersed impiety, bigotry, persecution, murder and rebellion, through every part of the world.

This being a true state of facts, let us beseech you to consider to what end they lead.

Admit that the ministry, by the powers of *Britain*, and the aid of our Roman catholic neighbours, should be able to carry the point of taxation, and reduce us to a state of perfect humiliation and slavery: Such an enterprize would doubtless make some addition to your national debt, which already presses down your liberties, and fills you with pensioners and placemen. We presume also, that your commerce will somewhat be diminished. However, suppose you should prove victorious, in what condition will you then be? What advantages or what laurels will you reap from such a conquest?

May not a ministry with the same armies enslave you?—it may be said you will cease to pay them,—but remember the taxes from America, the wealth, and we may add the men, and particularly the Roman catholicicks of this vast continent, will then be in the power of your enemies; nor will you have any reason to expect, that after making slaves of us, many among us should refuse to assist in reducing you to the same abject state.

Do not treat this as chimerical.—Know that in less than half a century, the quitrents reserved to the crown from the numberless grants of this vast continent, will pour large streams of wealth in the royal coffers, and if to this be added the power of taxing *America* at pleasure, the crown

will be rendered independent of you for supplies, and will possess more treasure than may be necessary, to purchase the remains of liberty in your island.—In a word, take care that you do not fall into the pit that is preparing for us.

We believe there is yet much virtue, much justice, and much publick spirit in the English nation.—To that justice we now appeal. You have been told that we are seditious, impatient of government, and desirous of independency. Be assured, that these are not facts, but calumnies.—Permit us to be as free as yourselves, and we shall ever esteem a union with you to be our greatest glory and our greatest happiness, we shall ever be ready to contribute all in our power to the welfare of the empire,—we shall consider your enemies as our enemies, and your interest as our own.

But if you are determined that your ministers, shall wantonly sport with the rights of mankind,—if neither the voice of justice, the dictates of the law, the principles of the constitution, or the suggestions of humanity, can restrain your hands from shedding human blood in such an impious cause; we must then tell you, that we will never submit to be hewers of wood or drawers of water, for any ministry or nation in the world.

Place us in the same situation that we were at the close of the last war, and our former harmony will be restored.

But lest the same supineness and the same inattention to our common interest, which you have for several years shown, should continue, we think it prudent to anticipate the consequences.

By the destruction of the trade of *Boston*, the ministry have endeavoured to induce submission to their measures. The like fate may befall us all. We will endeavour therefore to live without trade, and recur for subsistence to the fertility and bounty of our native soil, which will afford us all the necessities and some of the conveniences of life. We have suspended our importation from *Great Britain*, and *Ireland*; and in less than a year's time, unless our grievances should be redressed, shall discontinue our exports to those kingdoms and the *West Indies*.

It is with the utmost regret however, that we find ourselves compelled by the over-ruling principles of self-preservation, to adopt measures detrimental in their consequences to numbers of our fellow subjects in *Great Britain* and *Ireland*: But we hope, that the magnanimity and justice of the *British* nation, will furnish a parliament of such wisdom, independence, and publick spirit, as may save the violated rights of the whole empire, from the devices of wicked ministers and evil counsellors, whether in or out of office; and thereby restore that harmony, friendship, and fraternal affection, between all the inhabitants of his majesty's kingdoms and territories, so ardently wished for by every true and honest *American*.—

[Oct. 21.] AS ANOTHER of the means to produce a restoration of rights &c. the same committee (Mr. *Lee*, Mr. *Livingston*, Mr. *Jay*.) pursuant to their appointment on the 19th, reported “a memorial to the inhabitants of the colonies,” &c. It was considered and debated on the 20th, and again on this day, and approved, and is as follows:

MEMORIAL, &c.

To the INHABITANTS of the COLONIES of *New Hampshire*, *Massachusetts bay*, *Rhode Island* and *Providence Plantations*, *Connecticut*, *New York*, *New Jersey*, *Pennsylvania*, the counties of *New Castle*, *Kent*, and *Sussex*, on *Delaware*, *Maryland*, *Virginia*, *North Carolina*, and *South Carolina*.

FRIENDS and COUNTRYMEN,

WE, the DELEGATES appointed by the good people of these colonies to meet at *Philadelphia* in *September* last, for the purposes mentioned by our respective constituents, have, in pursuance of the trust reposed in us, assembled, and taken into our most serious consideration, the important matters recommended to the congress. Our resolutions thereupon will be herewith communicated to you. But as the situation of publick affairs grows daily more and more alarming; and as it may be more satisfactory to you to be informed by us in a collective body, than in any other manner, of those sentiments that have been approved, upon a full and free discussion, by the representatives of so great a part of *America*, we esteem ourselves obliged to add this address to these resolutions.

In every case of opposition by a people to their rulers, or of one state to another; duty to Almighty God, the Creator of all, requires that a true and impartial judgment be formed of the measures leading to such opposition, and of the causes by which it has been provoked, or can in any degree be justified; that neither affection on the one hand, nor resentment on the other, being permitted to give a wrong bias to reason, it may be enabled to take a dispassionate view of all circumstances, and to settle the publick conduct on the solid foundations of wisdom and justice.

From councils thus tempered, arise the surest hopes of the Divine favour, the firmest encouragement to the parties engaged, and the strongest recommendation of their cause to the rest of mankind.

With minds deeply impressed by a sense of these truths, we have diligently, deliberately, and calmly inquired into, and considered those exertions, both of the legislative and executive power of *Great Britain*, which have excited so much uneasiness in *America*, and have with equal fidelity and attention, considered the conduct of the colonies. Upon the whole, we find ourselves reduced to the disagreeable alternative, of being silent and betraying the innocent, or of speaking out and censuring those we wish to revere. In making our choice of these distressing difficulties, we prefer the course dictated by honesty, and a regard for the welfare of our country.

Soon after the conclusion of the late war, there commenced a memorable change in the treatment of these colonies. By a statute made in the fourth year of the present reign, a time of *profound peace*, alledging, "the expediency of new provisions and regulations for extending the commerce between *Great Britain* and his majesty's dominions in *America*, and the necessity of raising a revenue in the said dominions for defraying the expenses of *defending*, protecting, and securing the same," (1) the *commons of Great Britain* undertook to give and grant to his majesty many rates and duties, to be paid in these colonies. To enforce the observance of this act, it prescribes a great number of severe penalties and forfeitures; and in two sections, makes a remarkable distinction between the subjects in *Great Britain*, and those in *America*. By the one, the penalties and forfeitures incurred *there*, are to be recovered in any of the king's courts of record at *Westminster*, or in the court of exchequer in *Scotland*; and by the other, the penalties and forfeitures incurred *here*, are to be recovered in any court of record, or in any court of *Admiralty* or *vice admiralty*, at the election of the informer or prosecutor.

The inhabitants of these colonies, confiding in the justice of *Great Britain*, were scarcely allowed sufficient time to receive and consider this act, before another, well known by the name of the *stamp act*, and passed in the fifth year of this reign, engrossed their whole attention. (2) By this statute the *British* parliament, exercised in the most explicit manner a power of *taxing us*, and extending the jurisdiction of courts of *admiralty* and *vice admiralty* in the colonies, to matters arising within the body of a county; and directed the numerous penalties and forfeitures thereby inflicted, to be recovered in the said courts.

In the same year a tax was imposed on us, by an act establishing several new fees in the customs. (3) In the next year the stamp act was repealed; not because it was founded in an erroneous principle, but as the repealing act recites, because "the continuance thereof would be attended with many inconveniences, and might be productive of consequences greatly detrimental to the commercial interests of *Great Britain*."

In the same year, and by a subsequent act it was declared, "that his majesty in parliament, of right, had power to bind the people of these colonies by statutes, in all cases whatsoever."

In the same year another act was passed, for imposing rates and duties payable in these colonies. (4) In this statute the commons, avoiding the terms of giving and granting, "humbly besought his majesty that it might be enacted, &c." But from a declaration in the preamble, that the rates and duties were "in lieu of" several others granted, by the statute first before mentioned, for *raising a revenue*: and from some other expressions it appears, that these duties were intended for that purpose.

In the next year, [1767] an act was made "to enable his majesty to put the customs and other duties in *America* under the management of commissioners, &c." and the king thereupon erected the present expensive board of commissioners, for the express purpose of carrying into execution the several acts, relating to the revenue and trade in *America*. (5)

After the repeal of the stamp act, having again resigned ourselves to our ancient unsuspecting affections for the parent state, and anxious to avoid any controversy with her, in hopes of a favourable alteration in sentiments and measures towards us, we did not press our objections against the above mentioned statutes, made subsequent to that repeal.

Administration, attributing to trifling causes, a conduct that really proceeded from generous motives, were encouraged in the same year, [1767] to make a bolder experiment on the patience of *America*.

(1) 9 Stat. 152 4 G. 3. c. 15 Ap. 1764, sugar act. (2) 10 Stat. 18 5 G. 3. c. 12 Mar. 1765.
 (3) *ibid* 109. 5 G 3. c. 45. s. 27. Mar. 1765. I presume this is the Stat. complained of.
 (4) 10 Stat. 269 6 G. 3. c. 52. Mar. 1766. "repeals sugar act of 1764, and grants other duties in lieu." (5) 10 Stat. 340. 7 G. 3. c. 41. Mar. 1767

By a statute commonly called the *Glass, Paper, and Tea* act, made fifteen months after the repeal of the stamp act, the commons of *Great Britain* resumed their former language, and again undertook to "give and grant rates and duties to be paid in these colonies," for the express purpose of "raising a revenue, to defray the charges of the administration of justice, the support of civil government, and defending the king's dominions," on this continent. (1) The penalties and forfeitures, incurred under this statute, are to be recovered in the same manner, with those mentioned in the foregoing acts.

To this statute, so naturally tending to disturb the tranquility then universal throughout the colonies, parliament in the same session, added another no less extraordinary.

Ever since the making the present peace, a standing army has been kept in these colonies. From respect for the mother country, the innovation was not only tolerated, but the provincial legislatures generally made provision for supplying the troops.

The assembly of the province of *New York*, having passed an act of this kind, but differing in some articles from the directions of the act of parliament made in the fifth year of this reign; the house of representatives in that colony was prohibited by a statute, made in the last session mentioned, from making any bill, order, resolution, or vote, except for adjourning or choosing a speaker, until provision should be made by the said assembly for furnishing the troops within that province, not only with all such necessities as were required by the statute which they were charged with disobeying, but also with those required by two other subsequent statutes, which were declared to be in force, until the twenty-fourth day of *March*, 1769. (2)

These statutes of the year 1767, revived the apprehensions and discontents, that had entirely subsided on the repeal of the stamp act; and amidst the just fears and jealousies thereby occasioned, a statute was made in the next year [1768] to establish courts of admiralty and vice admiralty on a new model, expressly for the end of more effectually recovering of the penalties and forfeitures inflicted by acts of parliament, framed for the purpose of raising a revenue in *America*, &c.

The immediate tendency of these statutes is, to subvert the right of having a share in legislation, by rendering assemblies useless; the right of property, by taking the money of the colonists without their consent; the right of trial by jury, by substituting in their place trials in admiralty and vice admiralty courts, where single judges preside, holding their commissions during pleasure; and unduly to influence the courts of common law, by rendering the judges thereof totally dependant on the crown for their salaries.

These statutes, not to mention many others exceedingly exceptionable, compared one with another, will be found, not only to form a regular system, in which every part has great force, but also a pertinacious adherence to that system, for subjugating these colonies, that are not, and from local circumstances, cannot be represented in the house of commons, to the uncontrollable and unlimited power of parliament, in violation of their undoubted rights and liberties, in contempt of their humble and repeated supplications.

This conduct must appear equally astonishing and unjustifiable, when it is considered how unprovoked it has been by any behaviour of these colonies. From their first settlement, their bitterest enemies never fixed on any of them a charge of disloyalty to their sovereign, or disaffection to their mother country. In the wars she has carried on, they have exerted themselves whenever required, in giving her assistance; and have rendered her services, which she has publicly acknowledged to be extremely important. Their fidelity, duty and usefulness during the last war, were frequently and affectionately confessed by his late majesty and the present king.

The reproaches of those who are most unfriendly to the freedom of *America*, are principally levelled against the province of *Massachusetts bay*; but with what little reason, will appear by the following declarations of a person, the truth of whose evidence in their favour, will not be questioned.—Governor *Bernard* thus addresses the two houses of assembly—in his speech on the 24th of *April*, 1762,—“The unanimity and dispatch, with which you have complied with the *Requisitions of his majesty*, require my particular acknowledgment. And it gives me additional pleasure to observe, that you have therein acted under no other influence than a due sense of your duty, both as members of a general empire, and as the body of a particular province.”

In another speech on the 27th of *May* in the same year, he says,—“Whatever shall be the

(1) 10 Stat. 369. 7 G. 3. c. 46. June 1767. see ante 27. (2) 10 Stat. 431. 7 G. 3. c. 49. June 1767. ante 28. The 3 acts for supplying the troops are 5 G. 3. c. 33. 1765. 6 G. 3. c. 18. 1766. 7 G. 3. c. 55. 1767. These acts are only inserted by their "titles" in the statute book.

event of the war, it must be no small satisfaction to us, that this province hath contributed its full share to the support of it. *Every thing that hath been required of it hath been complied with*, and the execution of the powers committed to me for raising the provincial troops, hath been as full and complete as the grant of them. Never before were regiments so easily levied, so well composed, and so early in the field as they have been this year: the common people seemed to be animated with the spirit of the general court, and to vie with them in their readiness to serve the king."

Such was the conduct of the people of the *Massachusetts bay* during the last war. As to their behaviour before that period, it ought not to have been forgot in *Great Britain*, that not only on every occasion, they had constantly and cheerfully complied with the frequent royal requisitions—but that chiefly by their vigorous efforts, *Nova Scotia* was subdued in 1710, and *Louisburg* in 1745.

Foreign quarrels being ended, and the domestick disturbances that quickly succeeded on account of the stamp act, being quieted by its repeal; the assembly of *Massachusetts bay*, transmitted an humble address of thanks to the king and divers noblemen, and soon after passed a bill for granting compensation, to the sufferers in the disorder occasioned by that act.

These circumstances, and the following extracts from governor *Bernard's* letters in 1768 to the earl of *Shelburne*, secretary of state, clearly show with what grateful tenderness they strove to bury in oblivion the unhappy occasion of the late discords, and with what respectful deference they endeavoured to escape other subjects of future controversy. "The house (says the governor) from the time of opening the session to this day, has shown a disposition to *avoid* all dispute with me: every thing having passed with as much good humour as I could desire, except only their continuing to act in *addressing* the king, *remonstrating* to the secretary of state, and *employing* a separate agent. It is the *importance of this innovation*, without any wilfulness of my own, which induces me to make this remonstrance at a time when I have a fair prospect of having, in all other business, nothing but good to say of the proceedings of the house." (1)

"They have acted in all things, even in their remonstrance, with temper and moderation; they have *avoided* some subjects of dispute, and have laid a foundation for *removing* some causes of former altercation." (2)

"I shall make such a prudent and proper use of this letter as, I hope, will perfectly restore the peace and tranquility of this province, for which purpose considerable steps have been made by the house of representatives." (3)

The vindication of the province of *Massachusetts bay* contained in these letters, will have greater force, if it be considered, that they were written several months after the fresh alarm given to the colonies, by the statutes passed in the preceding year.

In this place it seems proper to take notice of the insinuation of one of those statutes, that the interferences of parliament was necessary, to provide for "defraying the charge of the administration of justice, the support of civil government, and defending the king's dominions in *America*."

As to the two first articles of expense, every colony had made such provision, as by their respective assemblies, the best judges on such occasions, was thought expedient and suitable to their several circumstances: respecting the last, it is well known to all men the least acquainted with *American* affairs, that the colonies were established, and generally defended themselves without the least assistance from *Great Britain*; and that, at the time of her taxing them by the statutes before mentioned, most of them were labouring under very heavy debts contracted in the last war. So far were they from sparing their money, when their sovereign constitutionally asked their aids, that during the course of that war, parliament repeatedly made them compensations for the expenses of those strenuous efforts, which, consulting their zeal rather than their strength, they had cheerfully incurred.

Severe as the acts of parliament before mentioned are, yet the conduct of administration hath been equally injurious and irritating, to this devoted country.

Under pretence of governing them, so many new institutions, uniformly rigid and dangerous, have been introduced, as could only be expected from incensed masters, for collecting the tribute, or rather the plunder, of conquered provinces.

By an order of the king, the authority of the commander in chief, and under him of the brigadier-generals, in time of peace, is rendered supreme in all the civil governments in *America*;

and thus, an uncontrollable military power is vested in officers, not known to the constitution of these colonies.

A large body of troops, and a considerable armament of ships of war, have been sent to assist in taking their money without their consent.

Expensive and oppressive offices have been multiplied, and the arts of corruption industriously practised to divide and destroy.

The judges of the admiralty and vice admiralty courts, are empowered to receive their salaries and fees from the effects to be condemned by themselves.

The commissioners of the customs are empowered to break open and enter houses, without the authority of any civil magistrate founded on legal information.

Judges of courts of common law, have been made entirely dependant on the crown for their commissions and salaries.(1)

A court has been established at *Rhode Island*, for the purpose of taking colonists to *England* to be tried.

Humble and reasonable petitions from the representatives of the people, have been frequently treated with contempt: and assemblies have been repeatedly and arbitrarily dissolved.

From some few instances, it will sufficiently appear, on what pretences of justice those dissolutions have been founded.

The tranquility of the colonies having been again disturbed, as has been mentioned, by the statutes of the year 1767, the earl of *Hillsborough*, secretary of state, in a letter to governor *Bernard*, dated *April 22*, 1768, censures the "*presumption*" of the house of representatives for "*resolving upon a measure of so inflammatory a nature, as that of writing to the other colonies, on the subject of their intended representations against some late acts of parliament,*" then declares that "*his majesty considers this step as evidently tending to create unwarrantable combinations, to excite an unjustifiable opposition to the constitutional authority of parliament:*"—and afterwards adds, "*It is the king's pleasure, that as soon as the general court is again assembled, at the time prescribed by the charter, you should require of the house of representatives, in his majesty's name, to rescind the resolution which gave birth to the circular letter from the speaker, and to declare their disapprobation of and dissent to, that rash and hasty proceeding.*"

"*If the new assembly should refuse to comply with his majesty's reasonable expectation, it is the king's pleasure that you should immediately dissolve them.*"

This letter being laid before the house, and the resolution not being rescinded according to order, the assembly was dissolved. A letter of a similar nature was sent to other governors, to procure resolutions approving the conduct of the representatives of *Massachusetts bay*, to be rescinded also; and the houses of representatives in other colonies refusing to comply, assemblies were dissolved.

These mandates spoke a language, to which the ears of *English* subjects had for several generations been strangers. The nature of assemblies implies a power and right of deliberation; but these commands, proscribing the exercise of judgment on the propriety of the requisitions made, left to the assemblies only the election between dictated submission, and threatened punishment;

(1) *Having omitted in its proper place, to notice a transaction in the Massachusetts house of assembly, relative to the dependence of the judges for their salaries upon the crown, it is here inserted.*

"[*Feb. 1774.*] The house being informed, that each of the judges refused to take more than one half of the sum granted them the last year, which they considered as implying on the part of the judges, a determination to accept of their support from the crown, resolved: "*That it is the incumbent duty of the judges explicitly to declare, whether they are determined to receive the grants of the general assembly, or to accept of their support from the crown; and their delaying any longer to let the publick know their determination, will discover that they have little or no regard for the peace and welfare of the province: and in such case it will be the indispensable duty of the commons of this province, to impeach them before the governor and council.* Four of the judges, in the beginning of February, 1774, acquainted the house they had received their whole salary granted them by the general court, and not any part of the grant made by the crown, and that they were determined still to receive the grants of the general assembly, which was pronounced satisfactory. But the chief justice, *Peter Oliver esq.* sent them a letter [*Feb. 3.*] informing them, That since being upon the bench seventeen years, he had suffered above three thousand pounds sterling; that he had been encouraged not to resign, with the hope of a support, but never had been relieved; that he had taken his majesty's grant from the 5th of July, 1772, to the 5th of January, 1774, and that without his majesty's leave, he dare not refuse it.

[*Feb. 11.*] The house resolved, "*That Peter Oliver hath by his conduct, proved himself an enemy to the constitution of this province, and is become justly obnoxious to the good people of it;*

A punishment too, founded on no other act, than such as is deemed innocent even in slaves—of agreeing in petitions for redress of grievances, that equally affect all.

The hostile and unjustifiable invasion of the town of *Boston*, soon followed these events in the same year; though that town, the province in which it is situated, and all the colonies, from abhorrence of a contest with the parent state, permitted the execution even of those statutes, against which they so unanimously were complaining, remonstrating, and supplicating.

Administration, determined to subdue a spirit of freedom, which *English* ministers should have rejoiced to cherish, entered into a monopolizing combination with the *East India* company, to send to this continent vast quantities of tea: an article, on which a duty was laid by a statute that, in a particular manner, attacked the liberties of *America*, and which therefore the inhabitants of these colonies had resolved not to import. The cargo sent to *South Carolina* was stored, and not allowed to be sold. Those sent to *Philadelphia* and *New York*, were not permitted to be landed. That sent to *Boston* was destroyed, because governor *Hutchinson* would not suffer it to be returned.

On the intelligence of these transactions arriving in *Great Britain*, the publick spirited town last mentioned was singled out for destruction, and it was determined, the province it belongs to should partake of its fate. In the last session of parliament therefore, were passed the acts for shutting up the port of *Boston*, indemnifying the murderers of the inhabitants of *Massachusetts bay*, and changing their chartered constitution of government.(1) To enforce these acts, that province is again invaded by a fleet and army.

To mention these outrageous proceedings, is sufficient to explain them. For though it is pretended, that the province of *Massachusetts bay* has been particularly disrespectful to *Great Britain*, yet in truth the behaviour of the people in other colonies, has been an equal "opposition to the power assumed by parliament." No step however has been taken against any of the rest. This artful conduct conceals several designs. It is expected that the province of *Massachusetts bay* will be irritated into some violent action, that may displease the rest of the continent, or that may induce the people of *Great Britain*, to approve the meditated vengeance of an imprudent and exasperated ministry. If the unexampled pacifick temper of that province shall disappoint this part of the plan, it is hoped the other colonies will be so far intimidated as to desert their brethren, suffering in a common cause, and that thus disunited, all may be subdued.

To promote these designs, another measure has been pursued. In the session of parliament last mentioned, an act was passed for changing the government of *Quebec*, by which act the Roman catholic religion, instead of being tolerated, as stipulated by the treaty of peace, is established; and the people there are deprived of a right to an assembly, trials by jury, and the *English* laws in civil cases are abolished, and instead thereof, the *French* laws are established, in direct violation of his majesty's promise by his royal proclamation, under the faith of which many *English* subjects settled in that province: and the limits of that province are extended so as to comprehend those vast regions, that lie adjoining to the northerly and westerly boundaries of these colonies.

(1) "*Boston port bill*," that for "*the more impartial administration of justice*," and that for "*changing the charter*" are here alluded to, see ante pages, 64 to 90.

that he ought to be removed from the office of chief justice; and that a remonstrance and petition to the governor and council for his immediate removal, be prepared"—years 95—says 9.

[Feb. 24.] The house prepared to exhibit articles of impeachment, in their own name, and the name of all the inhabitants of the province, against the chief justice. His excellency excepted to the proceedings of the house as unconstitutional; for which reason he could not give them any countenance.

[March 1.] They prepared articles of high crimes and misdemeanors against the chief justice, to present to his excellency and the council, in which they said, "The salary, and hopes of augmentation, must have the effect of a continual bribe, and expose him to a violation of his oath. His accepting hath betrayed the baseness of his heart and the lust of covetousness, in breach of his engagements to rely solely on the grants of the assembly, necessarily implied and involved in his accepting said office. By receiving a grant out of the revenue unjustly extorted from the American colonies, he hath as far as lay in his power, put a sanction on, and established the said revenue, counteracted the reasonable petitions of the people to his majesty, and in defiance of the known sense of the body of this people, hath wickedly endeavoured to increase the discontent and jealousies of this people, and the grievance aforementioned."

[March 9.] It was resolved, "That the house have done all that, in the capacity of representatives, can be done for the removal of Peter Oliver; and it must be presumed, that the governor's refusing to take any measure therein, is because he also receives his support from the crown." See ante, 34, 44.

The authors of this arbitrary arrangement flatter themselves, that the inhabitants, deprived of liberty, and artfully provoked against those of another religion, will be proper instruments for assisting in the oppression of such, as differ from them in modes of government and faith.

From the detail of facts herein before recited, as well as from authentick intelligence received, it is clear beyond a doubt, that a resolution is formed and now carrying into execution, to extinguish the freedom of these colonies, by subjecting them to a despotic government.

At this unhappy period, we have been authorized and directed to meet and consult together for the welfare of our common country. We accepted the important trust with diffidence, but have endeavoured to discharge it with integrity. Though the state of these colonies would certainly justify other measures than we have advised, yet weighty reasons determined us to prefer those which we have adopted. In the first place, it appeared to us a conduct becoming the character these colonies have ever sustained, to perform, even in the midst of the unnatural distresses and imminent dangers that surround them, every act of loyalty; and therefore, we were induced once more to offer to his majesty, the petitions of his faithful and oppressed subjects in *America*. Secondly, regarding with the tender affection, which we know to be so universal among our countrymen, the people of the kingdom from which we derive our origin, we could not forbear to regulate our steps by an expectation of receiving full conviction, that the colonists are equally dear to them. Between these provinces and that body, subsists the social band which we ardently wish may never be dissolved, and which cannot be dissolved, until their minds shall become indisputably hostile, or their inattention shall permit those who are thus hostile, to persist in prosecuting with the powers of the realm, the destructive measures already operating against the colonists, and in either case, shall reduce the latter to such a situation, that they shall be compelled to renounce every regard, but that of self-preservation. Notwithstanding the violence with which affairs have been impelled, they have not yet reached that fatal point. We do not incline to accelerate their motion, already alarmingly rapid; we have chosen a method of opposition, that does not preclude a hearty reconciliation with our fellow citizens, on the other side of the Atlantick. We deeply deplore the urgent necessity, that presses us to an immediate interruption of commerce, that may prove injurious to them. We trust they will acquit us of any unkind intention towards them, by reflecting, that we are driven by the hands of violence into inexperienced and unexpected publick convulsions, and that we are contending for freedom, so often contended for by our ancestors.

The people of *England* will soon have an opportunity of declaring their sentiments concerning our cause. In their piety, generosity, and good sense, we repose high confidence; and cannot, upon a review of past events be persuaded, that they, the defenders of true religion, and the asserters of the rights of mankind, will take part against their affectionate protestant brethren in the colonies, in favour of our open and their own secret enemies, whose intrigues, for several years past, have been wholly exercised in sapping the foundations of civil and religious liberty.

Another reason, that engaged us to prefer the commercial mode of opposition, arose from an assurance, that the mode will prove efficacious, if it be persisted in with fidelity and virtue; and that your conduct will be influenced by these laudable principles, cannot be questioned. Your own salvation, and that of your posterity, now depends upon yourselves. You have already shown, that you entertain a proper sense of the blessings you are striving to retain. Against the temporary inconveniencies you may suffer from a stoppage of trade, you will weigh in the opposite balance, the endless miseries you and your descendants must endure, from an established arbitrary power. You will not forget the honour of your country, that must from your behaviour, take its title in the estimation of the world, to glory, or to shame; and you will, with the deepest attention reflect, that if the peaceable mode of opposition recommended by us be broken and rendered ineffectual, as your cruel and haughty ministerial enemies, from a contemptuous opinion of your firmness, insolently predict will be the case, you must inevitably be reduced to choose, either a more dangerous contest, or a final ruinous and infamous submission.

Motives thus cogent, arising from the emergency of your unhappy condition, must excite your utmost diligence and zeal, to give all possible strength and energy to the pacifick measures calculated for your relief: but we think ourselves bound in duty to observe to you, that the schemes agitated against these colonies have been so conducted, as to render it prudent, that you should extend your views to mournful events, and be in all respects prepared for every contingency. Above all things, we earnestly intreat you, with devotion of spirit, penitence of heart, and amendment of life, to humble yourselves and implore the favour of Almighty God; and we fervently beseech His divine goodness, to take you into His gracious protection.

On this day [Oct. 21.] Congress resolved :

That an address be prepared to the people of *Quebec*, and letters to the colonies of *St. John's*, *Nova Scotia*, *Georgia*, *East* and *West Florida*, who have not deputies to represent them in this congress ; and that *Mr. Cushing*, *Mr. Lee*, and *Mr. Dickinson*, be a committee, to prepare the above address and letters.

It was further resolved ;

That the seizing, or attempting to seize any person in *America*, in order to transport such person beyond the sea, for trial of offences committed within the body of a county in *America*, being against law, will justify, and ought to meet with resistance and reprisal.

[Oct. 22.] On this day resolved ;

As the opinion of this congress, that it will be necessary, that another congress should be held on the tenth day of *May* next, unless the redress of grievances, which we have desired, be obtained before that time.—And we recommend that the same be held at the city of *Philadelphia*, and that all the colonies in *North America* choose deputies, as soon as possible, to attend such congress.(1)

The committee, (*Mr. Cushing*, *Mr. Lee*, *Mr. Dickinson*,) to prepare a letter to the colonies of *St. Johns*, *Nova Scotia*, *Georgia*, and *East* and *West Florida*, reported a draft which was agreed to as follows :

LETTER, &c.

Philadelphia, Oct. 22, 1774.

“GENTLEMEN,

“*THE present critical and truly alarming state of American affairs, having been considered in a general congress of deputies from the colonies of New Hampshire, Massachusetts bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Newcastle Kent and Sussex on Delaware, Maryland, Virginia, North Carolina, and South Carolina, with that attention and mature deliberation, which the important nature of the case demands ; they have determined, for themselves and the colonies they represent, on the measures contained in the enclosed papers ; which measures they recommend to your colony to be adopted, with all the earnestness that a well directed zeal for American liberty can prompt.*

“*So rapidly violent and unjust, has been the late conduct of the British administration against the colonies, that either a base and slavish submission, under the loss of their ancient, just, and constitutional liberty, must quickly take place, or an adequate opposition be formed.*

“*We pray God to take you under his protection, and to preserve the freedom and happiness of the whole British empire.*

By order of the congress.

HENRY MIDDLETON, president.”

The same committee had been appointed on the 21st, to prepare “an address to the people of *Quebec*.”—

On the 24th they reported a draft ;—

[Oct. 26.] It was approved, and is as follows :—

ADDRESS to the INHABITANTS of the province of QUEBEC.

“*Friends and fellow subjects,*

“*WE the DELEGATES of the colonies of New Hampshire, Massachusetts bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, the counties of New Castle Kent and Sussex on Delaware, Maryland, Virginia, North Carolina, and South Carolina, deputed by the inhabitants of the said colonies, to represent them in a general congress at Philadelphia, in the province of Pennsylvania, to consult together concerning the best methods to obtain redress of our afflicting grievances ; having accordingly assembled, and taken into our most serious consideration, the state of publick affairs on this continent, have thought proper to address your province, as a member therein deeply interested.*

When the fortune of war, after a gallant and glorious resistance, had incorporated you with the body of *English* subjects, we rejoiced in the truly valuable addition, both on our own and your account ; expecting, as courage and generosity are naturally united, our brave enemies would become our hearty friends : that the Divine Being would bless to you the dispensations of His over-

(1) *The hon. Henry Middleton, was this day chosen president of congress, in the place of the hon. Peyton Randolph, who was unable from indisposition to attend.*

ruling Providence, by securing to you and your latest posterity, the inestimable advantages of a free *English* constitution of government, which it is the privilege of all *English* subjects to enjoy.

These hopes were confirmed by the king's proclamation, issued in the year 1763, plighting the publick faith for your full enjoyment of those advantages.

Little did we imagine, that any succeeding ministers would so audaciously and cruelly abuse the royal authority, as to withhold from you the fruition of the irrevocable rights, to which you were thus justly entitled.

But since we have lived to see the unexpected time, when ministers of this flagitious temper, have dared to violate the most sacred compacts and obligations, and as you, educated under another form of government, have artfully been kept from discovering the unspeakable worth, of that form you are now undoubtedly entitled to, we esteem it our duty, for the weighty reasons herein-after mentioned, to explain to you some of its most important branches.

"In every human society," says the celebrated marquis *Beccaria*, "there is an effort continually tending to confer on one part the height of power and happiness, and to reduce the other to the extreme of weakness and misery. The intent of good laws is to oppose this effort, and to diffuse their influence universally and equally."

Rulers stimulated by this pernicious "effort," and subjects, animated by the just "intent of opposing good laws against it," have occasioned that vast variety of events, that fill the histories of so many nations. All these histories demonstrate the truth of this simple position, that to live by the will of one man, or set of men, is the production of misery to all men.

On the solid foundation of this principle, *Englishmen* reared up the fabrick of their constitution with such a strength, as for ages to defy time, tyranny, treachery, internal and foreign wars: And, as an illustrious author (1) of your nation, hereafter mentioned, observes,—"They gave the people of their colonies, the form of their own government, and this government carrying prosperity along with it, they have grown great nations in the forests they were sent to inhabit."

In this form the *first grand right* is, that of the people having a share in their own government by their representatives chose by themselves, and in consequence, of being ruled by laws which they themselves approve, not by edicts of men over whom they have no control. This is a bulwark surrounding and defending their property, which by their honest cares and labours they have acquired, so that no portions of it can legally be taken from them but with their own full and free consent, when they in their judgment deem it just and necessary to give them for publick services, and precisely direct the easiest, cheapest, and most equal methods, in which they shall be collected.

The influence of this right extends still farther. If money is wanted by rulers who have in any manner oppressed the people, they may retain it, until their grievances are redressed; and thus peaceably procure relief, without trusting to despised petitions, or disturbing the publick tranquility.

The *next great right* is, that of *trial by jury*. This provides, that neither life, liberty, nor property, can be taken from the possessor, until twelve of his unexceptionable countrymen and peers of his vicinage, who from that neighbourhood, may reasonably be supposed to be acquainted with his character and the characters of the witnesses, upon a fair trial, and full inquiry face to face in open court, before as many of the people as choose to attend, shall pass their sentence upon oath against him; a sentence that cannot injure him without injuring their own reputation, and probably their interest also, as the question may turn on points that, in some degree, concern the general welfare; and if it does not, their verdict may form a precedent that, on a similar trial of their own, may militate against themselves.

Another right relates merely to the *liberty of the person*. If a subject is seized and imprisoned, though by order of government, he may by virtue of this right, immediately obtain a writ termed a *Habeas Corpus*, from a judge, whose sworn duty it is to grant it, and thereupon procure any illegal restraint to be quickly inquired into, and redressed.

A fourth right is, that of *holding lands* by the *tenure* of easy rents, and not by rigorous and oppressive *services*, frequently forcing the possessors from their families and their business, to perform what ought to be done, in all well regulated states, by men hired for the purpose.

The *last right* we shall mention, regards the *freedom of the press*. The importance of this consists, besides the advancement of truth, science, morality, and arts in general, in its diffusion of

liberal sentiments on the administration of government, its ready communication of thoughts between subjects, and its consequential promotion of union among them, whereby oppressive officers are shamed or intimidated, into more honourable and just modes of conducting affairs.

These are the invaluable rights, that form a considerable part of our mild system of government; that, sending its equitable energy through all ranks and classes of men, defends the poor from the rich, the weak from the powerful, the industrious from the rapacious, the peaceable from the violent, the tenants from the lords, and all from their superiors.

These are the *rights*, without which a people cannot be free and happy, and under the protecting and encouraging influence of which, these colonies have hitherto so amazingly flourished and increased. These are the rights, a profligate ministry are now striving, by force of arms, to ravish from us, and which *we* are, with one mind, *resolved never to resign but with our lives*.

These are the rights *you* are entitled to, and ought at this moment in perfection to exercise, And what is offered to you by the late act of parliament in their place—liberty of conscience in your religion? No. God gave it to you; and the temporal powers with which you have been and are connected, firmly stipulated for your enjoyment of it. If laws, divine and human, could secure it against the despotick caprices of wicked men, it was secured before. Are the *French* laws in civil cases restored? *It seems so*. But observe the cautious kindness of the ministers, who pretend to be your benefactors. The words of the statute are—that those “laws shall be the rule, *until they shall be varied or altered by any ordinances of the governor and council*.” Is the “certainty and lenity of the *criminal* law of *England* and its benefits and advantages,” commended in the said statute, and said to “have been sensibly felt by you,” secured to you and your descendants? No. They too are subjected to arbitrary “alterations” by the *governor and council*; and a power is expressly reserved, of appointing “such courts of *criminal, civil, and ecclesiastical* jurisdiction, as shall be thought proper.” Such is the precarious tenure of *mere will*, by which you hold your lives and religion. The crown and its ministers, are empowered as far as they could be by parliament, to establish even the inquisition itself among you. Have you an assembly composed of worthy men elected by yourselves, and in whom you can confide to make laws for you, to watch over your welfare, and to direct in what quantity and in what manner, your money shall be taken from you? No. The power of making laws for you is lodged in the governor and council, all of them dependant upon, and removeable at the *pleasure* of a minister. Besides, another late statute, made without your consent, has subjected you to the impositions of *excise*; the horror of all free states; thus wresting your property from you by the most odious of taxes, and laying open to insolent tax-gatherers, houses, the scenes of domestick peace and comfort, and called the castles of *English subjects* in the books of their law. And in the very act for altering your government, and intended to flatter you, you are not authorised to “assess, levy or apply any *rates and taxes*, but for the inferior purposes of *making roads*, and erecting and repairing *publick buildings*, or for other *local* conveniences within your respective towns and districts.” Why this degrading distinction? ought not the property honestly acquired by *Canadians* to be held as sacred as that of *Englishmen*? have not *Canadians* sense enough to attend to any other publick affairs, than gathering stones from one place and piling them up in another? Unhappy people! who are not only injured, but insulted: nay more!—with such a superlative contempt of your understanding and spirit, has an insolent ministry presumed to think of you, our respectable fellow-subjects, according to the information we have received, as firmly to persuade themselves that your gratitude for the injuries and insults they have recently offered to you, will engage you to take up arms, and render yourselves the ridicule and detestation of the world, by becoming tools in their hands to assist them in taking that freedom from us, which they have treacherously denied to you; the unavoidable consequence of which attempt, if successful, would be the extinction of all hopes of you or your posterity being ever restored to freedom: for idiocy itself cannot believe, that, when their drudgery is performed, they will treat you with less cruelty than they have us, who are of the same blood with themselves.

What would your countryman, the immortal *Montesquieu*, have said to such a plan of domination as has been framed for you? hear his words, with an intenseness of thought suited to the importance of the subject.—“In a free state, every man, who is supposed a free agent, *ought to be concerned in his own government*; therefore the *legislative* should reside in the whole body of the people, or their representatives.”—“The political liberty of the subject is a *tranquility of mind*, arising from the opinion each person has of his *safety*. In order to have this liberty, it is requisite the government be so constituted, as that one man need not be *afraid* of another. When the power of *making* laws and the power of *executing* them, are *united* in the same

person, or in the same body of magistrates; *there can be no liberty*; because apprehensions may arise, lest the same *monarch* or *senate* should enact tyrannical laws, to execute them in a tyrannical manner.

"The power of *judging* should be exercised by persons taken from the *body of the people*, at certain times of the year, and pursuant to a form and manner prescribed by law. *There is no liberty*, if the power of *judging* be not separated from the *legislative* and *executive* powers."

"Military men belong to a profession, which *may* be useful, but is *often* dangerous."—"The enjoyment of liberty, and even its support and preservation, consists in every man's being allowed to speak his thoughts, and lay open his sentiments."

Apply these decisive maxims, sanctified by the authority of a name which all Europe reveres, to your own state. You have a governor, it may be urged, vested with the *executive* powers, or the powers of *administration*: In him, and in your council, is lodged the power of *making laws*. You have *judges*, who are to decide every cause affecting your lives, liberty or property. Here is, indeed, an appearance of the several powers being *separated* and *distributed* into *different* hands, for checks one upon another; the only effectual mode ever invented by the wit of men, to promote their freedom and prosperity. But scorning to be illuded by a tinselled outside, and exerting the natural sagacity of *Frenchmen*, examine the specious device, and you will find it, to use an expression of Holy Writ, "a whited sepulchre," for burying your lives, liberty, and property.

Your *judges*, and your *legislative council*, as it is called, are *dependant* on your *governor*, and *he* is *dependant* on the servant of the crown in *Great Britain*. The *legislative*, *executive*, and *judging* powers, are *all* moved by the nods of a minister. Privileges and immunities last no longer than his smiles. When he frowns, their feeble forms dissolve. Such a treacherous ingenuity has been exerted in drawing up the code lately offered you, that every sentence, beginning with a benevolent pretension, concludes with a destructive power; and the substance of the whole, divested of its smooth words is—that the crown and its ministers shall be as absolute throughout your extended province, as the despots of *Asia* or *Africa*. What can protect your property from taxing edicts, and the rapacity of necessitous and cruel masters—your persons from *letters de cachet*, gaols, dungeons, and oppressive services—your lives and general liberty from arbitrary and unfeeling rulers? we defy you, casting your view upon every side, to discover a single circumstance, promising from any quarter the faintest hope of liberty to you or your posterity, *but from an entire adoption into the union of these colonies*.

What advice would the truly great man before mentioned, that advocate of freedom and humanity, give you, was he now living, and knew that we, your numerous and powerful neighbours, animated by a just love of our invaded rights, and united by the indissoluble bands of affection and interest, called upon you, by every obligation of regard for yourselves and your children, as we now do, to join us in our righteous contest, to make common cause with us therein, and take a noble chance for emerging from a humiliating subjection under governors, intendants, and military tyrants, into the firm rank and condition of *English* freemen, whose custom it is, derived from their ancestors, to *make those tremble, who dare to think of making them miserable*?

Would not this be the purport of his address? "seize the opportunity presented to you by Providence itself. You have been conquered into liberty, if you act as you ought. This work is not of man. You are a small people compared to those who, with open arms invite you into a fellowship. A moment's reflection should convince you, which will be most for your interest and happiness, to have all the rest of *North America* your unalterable friends, or your inveterate enemies. The injuries of *Boston* have roused and associated every colony, from *Nova Scotia* to *Georgia*. Your province is the only link wanting to complete the bright and strong chain of union. Nature has joined your country to theirs. Do you join your political interests. For their own sakes, they never will desert or betray you. Be assured, that the happiness of a people inevitably depends on their liberty, and their spirit to assert it. The value and extent of the advantages tendered to you are immense. Heaven grant you may not discover them to be blessings, after they have bid you an eternal adieu."

We are too well acquainted with the liberality of sentiment distinguishing your nation, to imagine, that difference of religion will prejudice you against a hearty amity with us. You know, that the transcendant nature of freedom elevates those who unite in her cause, above all such low minded infirmities. The *Swiss* cantons furnish a memorable proof of this truth. Their union is composed of *Roman catholic* and *Protestant* states, living in the utmost concord and peace with

one another, and thereby enabled, ever since they bravely vindicated their freedom, to defy and defeat every tyrant that has invaded them.

Should there be any among you, as there generally are in all societies, who prefer the favours of ministers and their own private interests, to the welfare of their country; the temper of such selfish persons will render them, incredibly active in opposing all publick-spirited measures, from an expectation of being well rewarded for their sordid industry by their superiors; but we doubt not you will be upon your guard against such men, and not sacrifice the liberty and happiness of the whole *Canadian* people and their posterity, to gratify the avarice and ambition of individuals.

We do not ask you, by this address, to commence acts of hostility against the government of our common sovereign. We only invite you to consult your own glory and welfare, and not to suffer yourselves to be inveigled or intimidated by infamous ministers, so far, as to become the instruments of their cruelty and despotism; but to unite with us in one social compact, formed on the generous principles of equal liberty, and cemented by such an exchange of beneficial and endearing offices, as to render it perpetual. In order to complete this highly desirable union, we submit it to your consideration, whether it may not be expedient for you to meet together in your several towns and districts, and elect deputies who, afterwards meeting in a provincial congress, may choose delegates to represent your province in the continental congress, to be held at *Philadelphia* on the tenth day of *May*, 1775.

In this present congress, beginning on the *fifth* of the last month and continued to this day, it has been with universal pleasure and an unanimous vote, **RESOLVED**, That we should consider the violation of your rights, by the act for altering the government of your province, as a violation of our own; and that you should be invited to accede to our confederation, which has no other objects, than the perfect security of the natural and civil rights of all the constituent members, according to their respective circumstances, and the preservation of a happy and lasting connexion with *Great Britain*, on the salutary and constitutional principles herein before mentioned. For effecting these purposes, we have addressed an humble and loyal petition to his majesty, praying relief of our and your grievances; and have associated to stop all importations from *Great Britain* and *Ireland*, after the first day of *December*, and all exportations to those kingdoms and the *West Indies* after the tenth day of next *September*, unless the said grievances are redressed.

That Almighty God may incline your minds to approve our equitable and necessary measures, to add yourselves to us, to put your fate, whenever you suffer injuries which you are determined to oppose, not on the small influence of your single province, but on the consolidated powers of *North America*; and may grant to our joint exertions an event as happy as our cause is just, is the fervent prayer of us, your sincere and affectionate friends and fellow subjects.

By order of the Congress.

HENRY MIDDLETON, president.

It was then **RESOLVED**, That the address of the congress to the people of *Quebec* be signed by the president, and that the delegates of the province of *Pennsylvania* superintend the translating, printing, publishing, and dispersing it: and it is recommended by the congress to the delegates of *New Hampshire*, *Massachusetts bay*, and *New York*, to assist in and forward the dispersion of the said address.

ANOTHER of the "*means*," adopted to obtain a restoration of rights, was an "*address to the king*."

On the 1st of *Oct.* it had been unanimously **RESOLVED**,—That a loyal address to his majesty be prepared, dutifully requesting the royal attention, to the grievances that alarm and distress his majesty's faithful subjects in *North America*, and entreating his majesty's gracious interposition for the removal of such grievances; thereby to restore between *Great Britain* and the colonies that harmony, so necessary to the happiness of the *British* empire, and so ardently desired by all *America*; and that Mr. *Lee*, Mr. *J. Adams*, Mr. *Johnson*, Mr. *Henry*, and Mr. *Rutledge*, should be the committee, to prepare "an address to his majesty."

On the 3d of *Oct.* it was **RESOLVED**, That it be an instruction to the committee who are appointed to draw up an address to the king.—Whereas parliamentary taxes on *America* have been laid, on pretence of "defraying the expenses of government, and supporting the administration of justice, and defending, protecting, and securing the colonies."—That they do assure his majesty, that the colonies have or will make, ample provision for defraying all the necessary expenses of supporting government, and the due administration of justice in the respective colonies; that the militia, if put on a proper footing, would be amply sufficient for their defence in time of

peace; that they are desirous of putting it on such a footing immediately, and that in case of war, the colonies are ready to grant supplies for raising any further forces that may be necessary.

And on the 5th of *Oct.* That the committee appointed to prepare an address to his majesty, be instructed to *assure* his majesty, that in case the colonies shall be restored to the state they were in, at the close of the late war, by abolishing the system of laws and regulations—for raising a revenue in *America*—for extending the powers of courts of admiralty—for the trial of persons beyond sea for crimes committed in *America*—for affecting the colony of the *Massachusetts bay*—and for altering the government, and extending the limits of *Canada*; the jealousies which have been occasioned by such acts and regulations of parliament will be removed, and commerce again restored.

On the 21st *Oct.* the committee reported an “address,” which was read and recommitted, and Mr. *Dickinson*, (who had taken his seat on the 17th *Oct.*) was added to the committee.

On the 24th *Oct.* they reported a draft:

[*Oct. 25.*] “The address to the king” was debated by paragraphs, and after some amendments, adopted as follows.(1)

“The PETITION of CONGRESS, to the KING’S most excellent MAJESTY.

Most gracious SOVEREIGN.

WE your majesty’s faithful subjects of the colonies of *New Hampshire, Massachusetts bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania*, the counties of *Newcastle, Kent, and Sussex on Delaware, Maryland, Virginia, North Carolina, and South Carolina*; in behalf of ourselves and the inhabitants of these colonies, who have deputed us to represent them in general congress, by this our humble petition beg leave to lay our grievances before the throne.

A standing army has been kept in these colonies, ever since the conclusion of the late war, without the consent of our assemblies; and this army with a considerable naval armament, has been employed to enforce the collection of taxes.

The authority of the commander in chief, and under him of the brigadiers-general has, in time of peace, been rendered supreme in all the civil governments in *America*.

The commander in chief of all your majesty’s forces in *North America* has, in time of peace, been appointed governor of a colony.

• The charges of usual offices have been greatly increased; and new, expensive, and oppressive offices have been multiplied.

The judges of admiralty and vice admiralty courts, are empowered to receive their salaries and fees from the effects condemned by themselves.

The officers of the customs are empowered to break open and enter houses, without the authority of any civil magistrate founded on legal information.

The judges of courts of common law have been made entirely dependant on one part of the legislature for their salaries, as well as for the duration of their commissions.

Councillors holding their commissions during pleasure, exercise legislative authority.

Humble and reasonable petitions from the representatives of the people, have been fruitless.

The agents of the people have been discountenanced, and governors have been instructed to prevent the payment of their salaries.

Assemblies have been repeatedly and injuriously dissolved.

Commerce has been burdened with many useless and oppressive restrictions.

By several acts of parliament, made in the *fourth, fifth, sixth, seventh, and eighth* years of your majesty’s reign, duties are imposed on us for the purpose of raising a revenue; and the powers of admiralty and vice admiralty courts are extended beyond their ancient limits, whereby our property is taken from us without our consent, the trial by jury in many civil cases is abolished, enormous forfeitures are incurred for slight offences, vexatious informers are exempted from paying damages to which they are justly liable, and oppressive security is required from owners before they are allowed to defend their right.

Both houses of parliament have resolved, that colonists may be tried in *England* for offences alledged to have been committed in *America* by virtue of a statute passed in the *thirty-fifth* year of *Henry the eighth*; and in consequence thereof, attempts have been made to enforce that statute.

(1) *Mr. Marshall* in a note observes, “that the original composition of this admirably well drawn, and truly conciliatory address, has been generally attributed to *Mr. Lee*.”

A statute was passed in the *twelfth* year of your majesty's reign, directing, that persons charged with committing any offence therein described, in any place out of the realm, may be indicted and tried for the same in any shire or county within the realm, whereby inhabitants of these colonies may, in sundry cases by that statute made capital, be deprived of a trial by their peers of the vicinage.

In the last session of parliament, an act was passed for blocking up the harbour of *Boston*; another empowering the governor of the *Massachusetts bay* to send persons indicted for murder in that province to another colony, or even to *Great Britain* for trial, whereby such offenders may escape legal punishment; a third for altering the chartered constitution of government in that province; and a fourth for extending the limits of *Quebec*, abolishing the *English* and restoring the *French* laws, whereby great numbers of *British* freemen are subjected to the latter; and establishing an absolute government and the Roman catholic religion, throughout those vast regions that border on the westerly and northerly boundaries, of the free protestant *English* settlements; and a fifth for the better providing suitable quarters for officers and soldiers, in his majesty's service in *North America*.

To a sovereign who glories in the name of *Briton*; the bare recital of these acts must, we presume, justify the loyal subjects who fly to the foot of his throne, and implore his clemency for protection against them.

From this destructive system of colony administration, adopted since the conclusion of the last war, have flowed those distresses, dangers, fears, and jealousies, that overwhelm your majesty's dutiful colonists with affliction: and we defy our most subtle and inveterate enemies to trace the unhappy differences between *Great Britain* and these colonies, from an earlier period, or from other causes, than we have assigned. Had they proceeded on our part from a restless levity of temper, unjust impulses of ambition, or artful suggestions of seditious persons, we should merit the opprobrious terms frequently bestowed upon us by those we revere. But so far from promoting innovations, we have only opposed them; and can be charged with no offence, unless it be one to receive injuries, and be sensible of them.

Had our Creator been pleased to give us existence in a land of slavery, the sense of our condition might have been mitigated by ignorance and habit. But, Thanks be to His adorable goodness, we were *born the heirs of freedom*, and ever enjoyed our right under the auspices of your royal ancestors, whose family was seated on the *British* throne, to rescue and secure a pious and gallant nation from the popery and despotism of a superstitious and inexorable tyrant. Your majesty, we are confident, justly rejoices, that *your title to the crown is thus founded on the title of your people to liberty*; and therefore we doubt not but your royal wisdom must approve the sensibility, that teaches your subjects anxiously to guard the blessing they received from divine Providence, and thereby to prove the performance of that compact, which elevated the illustrious house of *Brunswick* to the imperial dignity it now possesses.

The apprehension of being degraded into a state of servitude, from the pre-eminent rank of *English* freemen, while our minds retain the strongest love of liberty, and clearly foresee the miseries preparing for us and our posterity; excites emotions in our breasts which, though we cannot describe, we should not wish to conceal. Feeling as men, and thinking as subjects in the manner we do, silence would be disloyalty. By giving this faithful information, we do all in our power to promote the great objects of your royal cares, the tranquility of your government and the welfare of your people.

Duty to your majesty, and regard for the preservation of ourselves and our posterity, the primary obligations of nature and society, command us to entreat your royal attention; and as your majesty enjoys the signal distinction of reigning over freemen, we apprehend the language of freemen cannot be displeasing. Your royal indignation, we hope, will rather fall on those designing and dangerous men, who daringly interposing themselves between your royal person and your faithful subjects, and for several years past incessantly employed to dissolve the bonds of society, by abusing your majesty's authority, misrepresenting your *American* subjects, and prosecuting the most desperate and irritating projects of oppression, have at length compelled us, by the force of accumulated injuries too severe to be any longer tolerable, to disturb your majesty's repose by our complaints.

These sentiments are extorted from hearts, that much more willingly would bleed in your majesty's service. Yet so greatly have we been misrepresented, that a necessity has been alleged of *taking our property from us without our consent*, "to defray the charge of the administration

of justice, the support of civil government, and the defence, protection, and security of the colonies." But we beg leave to assure your majesty, that such provision has been, and will be made for defraying the two first articles, as has been and shall be judged, by the legislatures of the several colonies, just and suitable to their respective circumstances: and for the defence, protection, and security of the colonies, their *militia*, if properly regulated, as they earnestly desire may immediately be done, would be fully sufficient, at least in times of peace; and in cases of war, your faithful colonists will be ready and willing, as they ever have been when constitutionally required, to demonstrate their loyalty to your majesty by exerting their most strenuous efforts, in granting supplies and raising forces. Yielding to no *British* subjects in affectionate attachment to your majesty's person, family, and government; we too dearly prize the privilege of expressing that attachment, by those proofs that are honourable to the prince who receives them, and to the people who give them, ever to resign it to any body of men upon earth.

Had we been permitted to enjoy in quiet, the *inheritance left us by our fore-fathers*; we should at this time, have been peaceably, cheerfully, and usefully employed in recommending ourselves, by every testimony of devotion to your majesty, and of veneration to the state from which we derive our origin. But though now exposed to unexpected and unnatural scenes of distress, by a contention with that nation, in whose parental guidance on all important affairs we have hitherto, with filial reverence, constantly trusted, and therefore can derive no instruction in our present unhappy and perplexing circumstances from any former experience; yet we doubt not, the purity of our intention and the integrity of our conduct will justify us, at that grand tribunal before which all mankind must submit to judgment.

WE ASK BUT FOR PEACE, LIBERTY, AND SAFETY. We wish not a diminution of the prerogative, nor do we solicit the grant of any new right in our favour. Your royal authority over us, and our connexion with *Great Britain*, we shall always carefully and zealously endeavour to support and maintain.

Filled with sentiments of duty to your majesty and of affection to our parent state, deeply impressed by our education and strongly confirmed by our reason, and anxious to evince the sincerity of these dispositions, we present this petition *only to obtain redress of grievances*, and relief from fears and jealousies, occasioned by the *system of statutes and regulations adopted since the close of the late war, for raising a revenue in America—extending the powers of courts of admiralty and vice admiralty—trying persons in Great Britain for offences alledged to be committed in America—affecting the province of Massachusetts bay—and altering the government and extending the limits of Quebec*; by the abolition of which system, the *harmony between Great Britain and these colonies*, so necessary to the happiness of both, and so ardently desired by the latter, and the usual intercourses, *will be immediately restored*. In the magnanimity and justice of your majesty and parliament, we confide for a redress of our other grievances, trusting, that when the causes of our apprehensions are removed, our future conduct will prove us not unworthy of the regard we have been accustomed, in our happier days, to enjoy. *For, appealing to that Being, who searches thoroughly the hearts of his creatures; we solemnly profess, that our councils have been influenced by no other motive, than a dread of impending destruction.*

Permit us then, most gracious sovereign, in the name of all your faithful people in *America*, with the utmost humility to implore you, for the honour of almighty God, whose pure religion our enemies are undermining; for your glory, which can be advanced only by rendering your subjects happy and keeping them united; for the interests of your family, depending on an adherence to the principles that enthroned it; for the safety and welfare of your kingdoms and dominions, threatened with almost unavoidable dangers and distresses, that your majesty, as the loving father of your whole people, connected by the same bonds of law, loyalty, faith, and blood, though dwelling in various countries, will not suffer the transcendent relation formed by these ties to be farther violated, in uncertain expectation of effects, *that if attained, never can compensate for the calamities through which they must be gained.*

We therefore most earnestly beseech your majesty, that your royal authority and interposition may be used for our relief, and that a *gracious answer* may be given to this petition.

That your *majesty* may enjoy every felicity, through a long and glorious reign over loyal and happy subjects, and that your descendants may inherit your prosperity and dominions till time shall be no more, is, and always will be, our sincere and fervent prayer."

It was on the same day RESOLVED, that the *address* to the king, be enclosed in a letter to the several colony *agents*, in order that the same may be by them presented to his majesty; and that

the agents be requested to call in the aid of such noblemen and gentlemen, as are esteemed firm friends to *American* liberty, and that Mr. Lee and Mr. Jay, prepare a letter to the agents.

On this day also it was **RESOLVED**,

That this congress in their own names, and in behalf of all those whom they represent, do present their most grateful acknowledgments to those truly noble, honourable, and patriotick advocates of civil and religious liberty, who have so generously and powerfully, though unsuccessfully, espoused and defended the cause of *America*, both in and out of parliament.

[Oct. 26.] The "LETTER to the AGENTS" was brought in by the committee, read and approved, and is as follows;

Philadelphia, October 26, 1774.

"GENTLEMEN,

"We give you the strongest proof of our reliance on your zeal and attachment, to the happiness of *America* and the cause of liberty, when we commit the enclosed paper to your care.

"We desire you will deliver the petition into the hands of his majesty, and after it has been presented, we wish it may be made publick through the press, together with the list of grievances. And as we hope for great assistance from the spirit, virtue, and justice of the nation; it is our earnest desire, that the most effectual care be taken as early as possible, to furnish the trading cities and manufacturing towns throughout the united kingdom, with our memorial to the people of Great Britain.

"We doubt not but your good sense and discernment will lead you, to avail yourselves of every assistance that may be derived, from the advice and friendship of all great and good men, who may incline to aid the cause of liberty and mankind.

"The gratitude of *America*, expressed in the enclosed vote of thanks, we desire may be conveyed to the deserving objects of it, in the manner you think will be most acceptable to them.

"It is proposed, that another congress be held on the tenth of May next at this place, but in the mean time we beg the favour of you, Gentlemen, to transmit to the speakers of the several assemblies, the earliest information of the most authentick accounts you can collect, of all such conduct and designs of ministry or parliament, as it may concern *America* to know.

We are with unfeigned esteem and regard,

Gentlemen, &c.

By order and in behalf of the congress. HENRY MIDDLETON, president."

To Paul Wentworth, Esq.

Doctr. Benj. Franklin,

William Bollen, Esq.

Doctr. Arthur Lee,

To Thomas Life, Esq.

Edmund Burke, Esq.

Charles Garth, Esq."

Two copies of this "address (or petition,)" being engrossed and compared, were signed at the table by all the members.

After which, "thanks being voted to the honourable house of representatives of Pennsylvania, for their politeness to congress, this body dissolved itself.

Thus ended this memorable first American Congress, after a session of but 51 days :

It may confidently be asserted, that the annals of no deliberative assembly in the world affords a parallel, to the exalted patriotism and vigorous energies displayed, in this august body. Whether viewed in reference to its origin and objects ; to the individuals who composed it ; (1) to the immensity of business performed in so short a time ; the order and dignity of its deliberations ; the difficulties which surrounded it ; the vast importance and variety of subjects in discus-

(1) I shall endeavour to obtain materials for a short biographical notice of the most distinguished members: A majority of the congress were lawyers, or professionally bred to the law, and of the first eminence : The points in controversy, in a peculiar manner required the aid of men versed in the knowledge of government and laws. Mr. Ramsay, in his history of the revolution, ascribes much to the patriotism and enlightened principles of this profession, and truly observes, that "no order of men has, in all ages, been more favourable to liberty, than lawyers. Where they are not won over to the service of government, they are formidable adversaries to it. While others judge of bad principles by the actual grievances they occasion, lawyers discover them at a distance, and trace future mischiefs from gilded innovations." He adds, "Gentlemen of that profession, had acquired the confidence of the inhabitants, by their exertions in the common

sion; or the exhibition of firmness, wisdom, and moderation unfolded in its appeals to mankind, it is entitled to the highest honours; and may well claim equality, if not challenge pre-eminence over all others. Without doubt, they laid the *foundation* of independence by their manly and unanswerable arguments, and the conviction which their reasonings carried to the minds, and the courage their example inspired in the bosoms of their countrymen.

It must at this day seem amazing, that after such evidence of the unanimity of the colonies, the powerful means which their combined energies could command, directed by such statesmen and patriots, and withal the justice of their claims,—that the British *cabinet* could for an hour hesitate to abandon their fruitless and dangerous measures! Yet it will soon be seen, that the “petition” itself, was not permitted to reach the throne, nor even read as a document in parliament.

As Mr. *Marshall* observes, “The addresses prepared, the various papers drawn up, and the measures recommended by this congress, form their best eulogium; and attest how judiciously a selection of character had been made by the people, for the all-interesting concerns intrusted to their care. Affection to the mother country, an exalted admiration of her national character, unwillingness to separate from her, a knowledge of the hazards and difficulties of the struggle to be engaged in, mingled with an enthusiastick love of liberty and of country, with a conviction that all which can make life valuable was at stake; characterize their proceedings.”

All their proceedings were read “throughout *America*, with enthusiastick admiration. Their recommendations were revered as revelations, and obeyed as laws of the highest obligation. It is true, that in some few places, disaffection to the system of opposition prevailed. Absolute unanimity did not, and could not be expected to exist. (1) But seldom have a whole people been more united on any occasion; and never did a more sincere and perfect conviction, that every principle of right was arranged with them, animate the human bosom, than was now felt by the great body of Americans. The people, generally, made great efforts to arm and discipline themselves. Independent companies were every where formed of the most influential characters, and the whole face of the country exhibited the aspect of an approaching war. It however is apparent from the measures adopted, that although resistance by force was contemplated as a possible event, yet the hope, that the non-importation of British goods would so extensively interest the merchants and manufacturers of that nation in their favour, as to obtain thereby a repeal of the obnoxious acts, was fondly cherished and adhered to. It is impossible otherwise, to account for the non-importation agreement itself. Had war been considered as inevitable, every principle of sound policy would have demanded that imports should have been encouraged, and the largest possible stock of supplies for an army obtained.”(2)

(1) *The Assembly of New York, as a body, refused their approbation to the proceedings of congress, but not on the main grounds of complaint.*

(2) *It may be proper here to state, that the delegates to this congress, were convened principally under appointments made in conventions, chosen by the people for that express purpose.*

Massachusetts, Rhode Island, and Pennsylvania, were the only colonies whose delegates were appointed by the assemblies; but these were of the same character; they acted merely as conventions; their governors and councils taking no part in the business: The following exhibits the manner of their appointment in each colony, as appears by the credentials; viz.

NEW HAMPSHIRE, *by deputies from the several towns.—At Exeter, July 21, 1774.*

MASSACHUSETTS, *by the house of representatives.—At Salem, June 17, 1774.*

RHODE ISLAND, *by the general assembly.—(At Newport or Providence,) Aug. 10, 1774.*

CONNECTICUT, *by the committee of correspondence, authorized to appoint, by a vote of the house of representatives.—At New London, and Hartford, July and August, 1774.*

NEW YORK, *by certain wards in the city of New York, and the people in several towns and counties.—(summer) of 1774.*

NEW JERSEY, *by a convention of county committees.—At New Brunswick, July, 23, 1774.*

PENNSYLVANIA, *by the house of assembly.—At Philadelphia, July 22, 1774.*

DELAWARE (counties) *by a convention of the members of assembly, convened by a circular letter from the speaker of the house at the request of the committee of correspondence.—At New castle, Aug. 1, 1774.*

MARYLAND, *by a convention of county committees.—At Annapolis, June 25, 1774.*

cause. The previous measures in the respective provinces had been planned and carried into effect, more by lawyers than by any other order of men. Professionally taught the rights of the people, they were among the foremost to descry every attack made on their liberties. Bred in the habits of public speaking, they made a distinguished figure in the meetings of the people, and were particularly able to explain to them the tendency of the late acts of parliament. Exerting their abilities and influence in the cause of their country, they were rewarded with its confidence.”

In the preceding statement it is shown, that the "Boston port" act, and other laws, passed in the spring of this year, for the purpose of crushing the spirit of opposition to the revenue in *Massachusetts*, proved wholly ineffectual.

On the arrival of general *Gage*, as governor &c. with the troops, (in *May*) so far were the people of *Boston* and *Massachusetts* from proposing any overtures of submission, or atonement, that they took higher ground : these acts of parliament were arraigned, as outrageously cruel, and obvious violations of every principle of law and justice : The powers they assumed were declared, in their practical operation, more alarming to the rights and liberties of the country, than the claim of taxation itself.

These acts went the whole length in principle, of proscribing any place or colony from trade or commerce, internal or external, during the king's pleasure, on any pretence which might be assumed ; and that parliament at its pleasure, without any legal forfeiture, or even the form of judicial process, might alter or change at pleasure, the constitutions of government established in every colony, whether under express charter or usage ; vesting in the crown, if so minded, an absolute despotism over the lives, fortunes, and liberties of the people ; and thereby, as a particular consequence, (and actually happening in this instance,) thousands of unoffending citizens and whole districts of people, be suddenly reduced to poverty and starvation !

The people of *Boston* therefore, as has been seen, instead of submission, immediately on the arrival of gen. *Gage*, (the very next day, *May 14*.) entered into the most solemn resolutions to "resist : " asserting "that the injustice, inhumanity, and cruelty of the act (1) exceeded all their powers of expression, and appealing to God and the world for their vindication and support."

The general assembly, which met a few days afterwards [*May 25*.] pursued the same undaunted course.

The people throughout *America* took side with *Massachusetts*, as has been shown :—immediately elected a congress to express and give effect to their united opinions and wishes on this subject, and generally on American grievances, and the revenue system in particular.

The proceedings of this wise and patriotick body have just been detailed.

It so happened, they had under consideration, beside the long catalogue of parliamentary oppressions since 1763 ; the particular "penal bills" passed against *Massachusetts*, in the spring of this year, on account of the destruction of the tea.

It has appeared with what a generous and intrepid alacrity, in behalf of themselves and their constituents, they approved the conduct of their sister colony—sympathized in her sufferings, and resolved upon making her wrongs a common cause.

(1) "*The Boston port bill ;*" the other acts altering the charter &c. had not then arrived.

VIRGINIA, by a convention of delegates from the counties.—At *Williamsburgh*, Aug. 5, 1774.

NORTH CAROLINA, by a convention of deputies of the inhabitants.—At *Newbern*, Aug. 25, 1774.

SOUTH CAROLINA, by a general meeting of the inhabitants of the colony, confirmed by the house of assembly.—At *Charleston*, Aug. 2. 1774.

At this time the formation of a provincial convention, or congress, was extremely simple and expeditious : a few principal men, by circular letters, written to gentlemen in different towns and townships, proposed a convention, congress, or council of safety, to be elected by the people of the province.

For this purpose, the people of each county to meet on a given day, at the court-house, and choose 5 or more delegates, to meet in general convention, or congress, at another assigned day and place, as the representatives of the people of the colony ; and to act for them according to the exigencies of the occasion. This notice was easily diffused by hand-bills, town-meetings, and gazettes. Meetings ensued, and delegates were chosen, who met at the time and place appointed. This body organized itself, and proceeded in all the forms of a deliberative assembly :—entered into resolves and recommendations, and appointed standing committees of publick safety and correspondence, to act on their dissolution or recess ; with powers to organize the townships and smaller districts ; to call another congress or convention &c. All these greater and smaller popular authorities, had their prescribed duties to perform &c. and co-operated in effecting any general plan : They from this time almost superceded, and very soon became the only agents, for carrying on publick operations.

The governors, councils, and assemblies, and the executive officers, ceased their functions ; and regular government was suspended until the formation of constitutions, which successively ensued.

Even this interval, notwithstanding its novelty, and the agitations and passions it excited, and although society was loosened from the positive restraints of law and order ; yet such was the force of habits and of principles universally established, felt, and understood, in respect of

On the particular subject of the "coercive bills" against *Massachusetts*, they repel all idea of submission, and make them the ground of more embittered complaint and determined opposition; declaring "They 'most thoroughly approved the wisdom and fortitude with which opposition to wicked ministerial measures had been hitherto conducted in *Massachusetts*, and recommended to them perseverance in the same firm and temperate conduct as expressed in the resolutions of the delegates from the county of *Suffolk*.' By this approbation and advice, the people of *Massachusetts* were encouraged to resistance, and the other colonies became bound to support them. The former, more in need of a bridle than a spur, proceeded as they had begun, but with additional confidence."

To these remonstrances and defiance, they added *positive* measures of resistance; by establishing in effect a "non-intercourse," of the *import* trade, after the *first* of *December*; inflicting thereby a most severe retaliation upon *England*; depriving her not only of colonial "revenue," but of one of her most vital and necessary sources of wealth and power, viz. the purchase and consumption of her products and manufactures, by 3 millions of subjects; until their grievances were redressed. They even determined, that *exports* should cease to *Great Britain, Ireland*, and the *West Indies*, after the 10th of *Sep.* 1775.(1)

On the part of the *people*, they from the first, as has been seen, espoused the cause of *Massachusetts*, and hailed the proceedings of congress with enthusiastick approbation; a general disposition "to do, to suffer, and to accommodate, spread from breast to breast, and from colony to colony, beyond the reach of human calculation. It seemed as though one mind inspired the whole. The merchants put far behind them the gains of trade, and cheerfully submitted to a total stoppage of business, in obedience to the recommendations of men, invested with no legislative powers. The cultivators of the soil, with great unanimity assented to the determination, that the hard-earned produce of their farms, should remain unshipped, although in case of a free exportation, many would have been eager to have purchased it from them, at advanced prices. The sons and daughters of ease, renounced imported conveniencies, and voluntarily engaged to eat, drink, and wear, only such articles as their country afforded. These sacrifices were made, not from the pressure of present distress, but on the generous principle of sympathy with an invaded sister colony, and the prudent policy of guarding against a precedent which might, in a future day, operate against their liberties.

The season of universal distress, exhibited a striking proof, how practicable it is for mankind to sacrifice ease, pleasure, and interest, when the mind is strongly excited by its passions. In the

(1) *The distressing privations which this system of restraints immediately brought upon the people, are obvious; nothing in a more decisive manner proves the stern virtues which then prevailed over every incentive of profit, or enjoyment: It will be remembered, that at that period America depended on England for almost every article of necessity or enjoyment, food excepted; thousands immediately were deprived of their occupations and usual subsistence, and all reduced to live under the severest privations.*

personal rights and of property, that scarcely any of the evils of anarchy ensued: Men of the first talents and distinction, were generally entrusted with these revolutionary powers; and by their examples, authority, and wisdom, restrained excesses, and directed every thing on the basis of well known rights, and only so far deviated even from forms, as became absolutely necessary to carry on measures, essential for the salvation of the country.

Speaking of this state of things in America at that period, and of Massachusetts in particular, the writer of North's Administration remarks, that "The parliamentary regulations which had been made for the government of Massachusetts bay, in the beginning of the year 1774, not having been carried into effect, from the violent opposition shown to that plan of government; and the civil institutions which their charter had established, being thereby abrogated; all the functions of legal authority were immediately suspended. No governor presided, no council assembled, no judges interpreted the law, no inferior officers exacted an observance of it. In such a state of anarchy, it was to be expected that the persons and property of individuals would be exposed to the depredations of lawless miscreants, who are to be found in greater or less numbers in every state, who by their crimes disgrace humanity, disturb the peace of society, and draw down the severity of the laws. But though the suspension of magistracy gave the needy and unprincipled a licence to do what was right in their own eyes, every one remained safe and unmolested. This colony had ever been characterized by an intolerant spirit in religion, and now stood accused of rebellion against the parent state, but its manners seem to have remained uncorrupted, insomuch that in the course of eighteen years, it is said, that only one criminal has been executed in the province! However we may abhor traitors, we cannot but admire such unexampled internal decorum."

It may be added, that this interregnum continued in Massachusetts until March, 1780; and in all the other colonies except Rhode Island and Connecticut, for the space of 2 years before they established constitutions.

midst of their sufferings, cheerfulness appeared in the face of all the people. They counted every thing cheap in comparison with liberty, and readily gave up whatever tended to endanger it. A noble strain of generosity and mutual support was generally excited. A great and powerful diffusion of publick spirit took place. The animation of the times, raised the actors in these scenes above themselves, and excited them to deeds of self denial, which the interested prudence of calmer seasons can scarcely credit."

From Oct. 1774, to May, 1775.

It is now to be seen, what was the conduct of *England*, upon receiving intelligence of these proceedings in *Massachusetts*, as well as in the other colonies, and in congress.

It will be recollected, that the parliament which enacted these odious bills, which were sent out in the spring ships, and backed by a military power under general *Gage*, was prorogued in *June*, and dissolved in *September*; and a new one immediately called to meet on the 29th of *November*.

Of course the new parliament would assemble about the time when an account of the proceedings in *America*, relative to the severe measures taken against *Boston*, and *Massachusetts*, might be expected to arrive in *Great Britain*.

It seems that after the prorogation in *June*, American affairs excited little publick attention in *England*: ministers had confidently predicted that the measures just levelled against *Massachusetts* would produce submission there, and as a consequence, in all the provinces: it was presumed the new parliament could have little else to perform in regard to *America*, but to follow up the vigorous plans of ministry, in executing the revenue system by penal laws, and military force, and by moulding its internal governments into forms less independent, and more under the immediate control of the crown, and executive powers of *Great Britain*.(1)

To their great astonishment and mortification, the very reverse of these sanguine, and certainly most infatuated, and indeed guilty hopes, was to be presented, for at its meeting, [Nov. 30.] his

(1) *It would seem however, they had some distrust from former experience, that a non-consumption agreement would be entered into.—The ministry apprehending that this event, by distressing the trading and manufacturing towns, might influence votes against the court, in the election of a new parliament, which was of course to come on in the succeeding year, suddenly dissolved the parliament, and immediately ordered a new one to be chosen. It was their design to have the whole business of elections over, before the inconveniencies of a non-importation agreement could be felt. The nation was thus surprised into an election without knowing, that the late American acts had driven the colonies into a firm combination, to support, and make a common cause with the people of Massachusetts.*

The British ministry were not less disappointed than mortified, at this unexpected combination of the colonies. They had flattered themselves with a belief, that the malcontents in Boston were a small party headed by a few factious men, and that the majority of the inhabitants would arrange themselves on the side of government, as soon as they found Great Britain determined to support her authority; and should even Massachusetts take part with its offending capital, they could not believe that the other colonies would make a common cause, in supporting so intemperate a colony: but should even that expectation fail, they conceived that their association must be founded on principles so adverse to the interests and feelings of individuals, that it could not be of long duration. They were encouraged in these ill founded opinions by the recollection, that the colonies were frequently quarreling about boundaries, clashing in interest, differing in policy, manners, customs, forms of government and religion, and under the influence of a variety of local prejudices, jealousies and aversions. They also remembered the obstacles which prevented the colonies from acting together, in the execution of schemes planned for their own defence, in the late war against the French and Indians. The failure of the expected co-operation of the colonies in one uniform system at that time, was not only urged by the British ministry, as a reason for parliamentary control over the whole, but flattered them with a delusive hope, they never could be brought to combine their councils and their arms. Perhaps the colonists apprehended more danger from British encroachments on their liberties, than from French encroachment on Indian territories, in their neighbourhood: or more probably the time to part being come, the Governor of the Universe, by a secret influence on their minds, disposed them to union.

It was a circumstance unfavourable to the lovers of peace, that the rulers of Great Britain received almost the whole of their American intelligence, from those who had an interest in deceiving them. Governors, judges, revenue-officers, and other royal servants, being both appointed and paid by Great Britain, fancied that zeal for the interest of that country, would be the most likely way to insure their farther promotion. They were therefore, in their official dispatches to government, often tempted to abuse the colonists, with a view of magnifying their own watchfulness and recommending themselves to Great Britain. The plain, simple language of truth, was not acceptable to courtly ears. Ministers received and caressed those, and those only, whose representations coincided with their own views and wishes. They who contended that, by the spirit of the English constitution, British subjects residing on one side of the Atlantic, were entitled to equal privileges with those who resided on the other, were unnoticed, while the abettors of ministerial measures were heard with attention.

majesty in his speech informed the parliament, that a most daring spirit of disobedience to the law, still unhappily prevailed in Massachusetts, and had broken forth in fresh violences of a criminal nature; that these proceedings had been encouraged in other colonies, and unwarrantable attempts had been made to obstruct the commerce of the kingdom, by unlawful combinations; that such measures had been taken, and such orders given, as were judged most proper for carrying the laws (1) into execution; and that they might depend upon a firm resolution to withstand every attempt to weaken the supreme authority of the legislature over all the dominions of the crown, his majesty being assured of receiving their support while acting upon these principles.

The proposed *address* in the house of commons, produced a considerable debate; and the minister was reminded of the mighty effects he had predicted from the late acts against America—They were to humble that whole continent in the dust, without further trouble, and the punishment of Boston was to strike an universal panick on all the colonies; that refractory town would be totally abandoned, and instead of obtaining relief, a dread of the same fate would even prevent the appearances of pity. But the address was carried, without any amendment, by a majority of more than three to one. (264 to 73.)

That from the house of lords was couched in strong terms, and was warmly debated. It was rendered memorable by a *protest*, thought to be the first upon an address, and which was very pointed; it concluded with the following remarkable declaration: "But whatever may be the mischievous designs, or the inconsiderate temerity which leads others to this desperate course, we wish to be known as persons who have disapproved of measures, so injurious in their past effects and their future tendency, and who are not in haste, without inquiry or information, to commit ourselves in declarations, which may precipitate our country into all the calamities of a civil war." (2) The address was carried by a majority of 63 to 13.

Notwithstanding the hostile tone of the speech, and the great majority that supported the addresses, there appeared an irresolution on the side of ministry; and previous to the Christmas recess, they seemed evidently to shrink from all contest upon American subjects. The national estimates were entirely formed upon a peace establishment; and the minister of the naval department publicly asserted in the house of lords, that he knew it would be fully sufficient for reducing the colonies to obedience. He spoke with the greatest contempt both of the power and courage of the Americans; and held that they were not disciplined, nor capable of discipline, and that, formed of such materials and so indisposed to action, the numbers, of which such boasts had been made, would only add to the facility of their defeat.

The congressional proceedings were received before the Christmas recess, and ministry were disposed to retract their violent measures and to redress American grievances. To this end, application was made, under the auspices of the minister, to the body of the American merchants, desiring them to frame petitions for the redress of American grievances and the restoration of American rights, and promising compliance with them, as it was most agreeable to the ministry to repeal the obnoxious acts, seemingly in consequence of petitions at home. While this was in agitation, letters were received from New York, assuring that the assembly would reject the proceedings of the general congress, and that there would be a separation of that colony from the rest. Fresh hopes were conceived from the prospect of a division, upon which ministry reverted to measures more adapted to their own inclination. (3)

(1) *Boston port act, &c. &c. passed in the spring.* (2) *Lords who signed the protest—Richmond, Portland, Rockingham, Stamford, Stanhope, Torrington, Ponsonby, Wycombe, Camden.*

(3) *It may not be uninteresting to give the following extracts from a journal of Josiah Quincy esq. who sailed from Boston for England, [Sep. 6. 1774.] the day after congress met: He was a most strenuous advocate of American rights: his mission to England at this time was political, and to forward the cause of liberty. He arrived in the beginning of Nov. about 3 weeks before the meeting of the new parliament, (Nov. 29.) The proceedings of congress were received in England about Dec. 1.—The journal contains also copies of letters to his friends.*

EXTRACTS, [Nov. 11, 1774.] "*Viewed Plymouth docks. My ideas of the riches and power of this great nation, are increased to a degree I should not have believed, if it had been predicted to me. I am not in any measure reconciled to the British plan of taxing America, but I should with cheerfulness accede to a contribution from the colonies (they being the sole judges of the time and quantity of their grants) toward the charges of the British government.*

"[Nov. 18.] *This morning J. Williams esq. informed me, that governor Hutchinson had repeatedly assured the ministry, that a union of the colonies was utterly impracticable; that the people were greatly divided among themselves in every colony; and that there could be no doubt but that all America would submit; that they must, and would soon. Several of the nobility and ministry assured Dr. Franklin of the same facts.*

"But during the recess, persons began to consider the consequences which might follow the congressional proceedings, and a general alarm was spread. This produced several meetings of the North American merchants in London and Bristol; and petitions to parliament were prepared and agreed upon in both places. But the times were so altered from what they were formerly, that no mercantile opposition could prove efficacious, by endangering the continuance of the ministry." (2)

In fact, the nation was very much divided "in opinion, concerning the proper conduct to be observed towards *America*. Some were for coercion, because they hoped to derive a revenue therefrom, and the lowest plebeians, whom neither nature nor education had qualified to decide upon an intricate subject, thought themselves able to adjust this dispute, by only asking the plain question, "Why should not the Americans pay taxes as well as we?" National pride, as well as an idea of national interest, strongly enforced the same doctrine. Superadded to these considerations, motives neither national nor laudable, actuated not a few to foment the quarrel with *America*; such as the prospects of lucrative contracts or appointments, and a distribution of the confiscated estates of the American ringleaders. All these were powerful incentives to action; however, the contrary opinion was rescued from contempt, both by the numbers and the consequence of those who avowed it. The country gentlemen, although the pillars of prerogative, foresaw that the land-tax must be advanced to four shillings in the pound, as soon as the sword should be drawn; and although the omnipotence of *Great Britain* to enforce her laws, was not doubted, yet whether a revenue could be drawn from *America*, should her submission be secured, appear-

(2) Gord.

"[Nov. 19.] Lord North repeatedly said to me, "we must try what we can do to support the authority we have claimed over *America*; if we are defective in power, we must sit down contented, and make the best terms we can; and nobody then can blame us after we have done our utmost: but till we have tried what we can do, we can never be justified in receding; and we ought to, and shall be very careful not to judge a thing impossible because it may be difficult; nay, we ought to try what we can effect, before we can determine upon its impracticability."

"[Nov. 24.] To ———. The following language hath been reiterated to me in various companies,— "We are afraid of nothing but your division and your want of perseverance. Unite and persevere—you must prevail—you must triumph."

"From parliament expect no favour but what proceeds from fear. Depend not upon commercial plans for your safety.—Dr. Franklin is an American in heart and soul. His ideas are not contracted within the narrow limits of exemption from taxes, but are extended upon the broad scale of total emancipation.—He is explicit and bold upon the subject."

"[Nov. 26.] Governor Pownall assured me, that all the measures against *America* were planned and pushed on, by Bernard and Hutchinson. They were incessant in their applications to administration, and gave the most positive assurances of success.

"[Dec. 6.] Mr. commissioner M——— waited on me. In the course of conversation he said, "You can have no idea of the taxes of this kingdom, and the distress of our poor. They are extreme poor and wretched indeed—every thing here is taxed to the utmost. The colonies must relieve us; they must ease us of our taxes, &c." He also affirmed to me, that governors Bernard and Hutchinson were principally attended to in the late measures against the colonies. But he added, that government had found many things had turned out different from Hutchinson's representation, and had not been at all conformable to what he foretold.

"To ———. My whole time is employed in endeavouring to serve my country. I find every body eager to hear, most people willing to be set right, and almost all grossly ignorant of the American world. It is agreed on all hands, that your courage—your courage, I repeat it—will be brought to the test.—Should it prove answerable to your ostentations, and worthy of your ancestors, your friends will amazingly increase—your hearty friends will be in raptures. Prepare—prepare I say, for the worst.

"Many of your friends here, in both houses, will not take a decisive part till they see how you act in *America*. For should they take a determined part now in favour of that country, and in a short time *America* give back, their hopes of rise into power and office (which are the hopes of all British statesmen) would be forever at an end. Therefore, till the colonists discover that union and spirit, which all parties here agree must force success, you are not to expect any great exertions in your favour. But when once there is a conviction that the Americans are in earnest, that they are resolved to endure all hazards with a spirit worthy the prize (and not till then) will you have many firm, active, persevering, and powerful friends. For, strange as it may seem, there is a great doubt here among many, whether you are really in earnest, in the full force and extent of those words."

"[Dec. 12.] Lord ——— appeared a very warm friend to the Americans; and said, "If they continue united, they must have all they ask." He particularly mentioned, that lord Mansfield last session, assured the house of lords, that the plan they had laid would go down in *America*, sine clade; and also, that he had the best intelligence what might be carried through there. His lordship had no doubt that such assurances were grounded on Hutchinson's information.

ed highly problematical. The commercial interest was yet more deeply affected by an open rupture. The colonies stood indebted to the British merchants about four millions sterling, which, though a vast sum, was no more than the amount of a twelve months commerce. This respectable body of men, not only saw themselves deprived of a lucrative trade, but cut off from all hope of obtaining speedy payment of the sums due to them, and in danger of losing them forever. A numerous body of manufacturers derived their only means of subsistence from the intercourse with the colonies, and therefore considered the non-importation agreement which their consumers had entered into, as the greatest possible evil, and were anxious for a reconciliation upon any terms. Besides these classes of men, whose particular and immediate interests urged them to become strenuous advocates in the American cause, there were many people, who though influenced by no private or interested views, could neither see the justice nor expediency of compelling the Americans to absolute submission, and the operative principle of private interest among the bulk, gave an energy and force to such speculative reasoning."

But the cabinet took wider views of the question, they conceived it absolutely necessary from the temper and growing force and disposition of the Americans, to crush their strength, and change their institutions; it was indeed "now generally understood, that the new modelling the forms of government throughout North America, and securing that continent to Great Britain, by introducing such regulations as might form habits of subordination and obedience, was the favourite objects of the sovereign, and to propose the means by which such a renovation of loyalty might be effected, was the surest introduction to royal favour."

[Dec.] In this stage parliament adjourned for the usual Christmas recess, to meet in January: no communication of proceedings in America, or of the congress, having been made to them by the minister at the opening.

"[Dec. 14.] To E———. 'Your countrymen must seal their cause with their blood. They must preserve a consistency of character. THEY MUST NOT DELAY. They must—or be trodden down into the vilest vassalage—the scorn—the spurn of their enemies—a by-word of infamy among all men.'

"[Dec. 16.] To E———. 'Permit me to congratulate my countrymen on the integrity and wisdom, with which the congress have conducted. Their policy, spirit, and union, have confounded their foes and inspired their friends. All parties agree, in giving them a tribute of honour and applause. My lord North endeavoured to explain away his expression—'I will have America at my feet.' Beware of the arts of negotiation.

"By the way, there is no doubt but the ministry sent large sums to New York, in order to bribe your continental delegates. It was openly avowed and vindicated; and great boast was made of ministerial success in this way, with the delegates from New York. It was said, that they had effected a disunion, which would be fatal to the cause of America. You can't well imagine the chagrin with which the ministry received the result of that glorious body. They are viewed as the northern constellation of glorious worthies, illuminating and warming the new world.

"To Joseph Reed, esq. (of Philadelphia.)

"[Dec. 17.] Sure I am, that the ministry have no where such sanguine hopes of a defection as from that quarter (New York.) Their influence is no where so forcibly extended; it is certain they will be astonishingly disappointed, if they do not find a sensibility to their touch. Lord Camden said in the house of lords, the other day, 'were I an American, I would resist to the last drop of my blood.' Your parliamentary friends say, snatch the opportunity for peace and reconciliation. Your sanguine and warm partizans say, 'You are united and inspired now, circumstances that may never happen again. Seize the happy and glorious opportunity, for establishing the freedom and social felicity of all America. There is a tide in the affairs of men.

"[Jan. 2, 1775.] While (at Bath) viewing the most magnificently elegant new rooms, in company with colonel Barre', he said, pointing to the pictures taken from the ruins found at Herculeum, 'I hope you have not the books containing the draughts of those ruins with you.' I replied, 'There was one set I believed in the public library at our college.' 'Keep them there (said he) and they may be of some service as a matter of curiosity for the speculative, but let them get abroad and you are ruined. They will infuse a taste for buildings and sculpture; and when a people get a taste for the fine arts, they are ruined. 'Tis taste that ruins whole kingdoms. 'Tis taste that depopulates whole nations. I could not help weeping when I surveyed the ruins at Rome. All the remains of the Roman grandeur, are of works which were finished when Rome and the spirit of Romans were no more, unless I except the ruins of the Emilian baths. Mr. Quincy, let your countrymen beware of taste in their buildings, equipage and dress, as a deadly poison.'

Colonel Barre' also added in the course of conversation—'About fourteen or fifteen years ago, I was through a considerable part of your country; for, in the expedition against Canada, my business called me to pass by land through Pennsylvania, New Jersey, York and Albany; and when I returned again to this country, I was often speaking of America, and could not help speaking well of its climate, soil and inhabitants; for you must know, sir, America was always a favourite with me. But will you believe it, sir, yet I assure you it is true, more than two-thirds of this island

[1775 Jan. 20.] The meeting of parliament this day, was the important moment for action.

"The great question now was, whether British spirit should be opposed to American spirit; whether bold, vigorous and judicious exertions, should be immediately made to crush that opposition, before it had gained strength, which it was found could not be terrified into acquiescence. In such a situation, to temporize was to yield; delay and irresolution added fuel to the flame; but in conducting this momentous business, the confidential servants of the crown showed themselves, better qualified for drawing the nation into hostile measures by secret and imperceptible steps, than at once to bear down opposition in both countries, by the spirit and ability which were conspicuous in their plans. The nation was lulled into security, by the number of seamen for the year 1775 being reduced to sixteen thousand men; the land forces were also fixed at seventeen thousand five hundred and forty-seven effective men, officers and invalids included, a smaller force than the preceding year."

"As soon as the house of lords met, the earl of Dartmouth, then secretary of state for the colonial department, laid before it the official papers received from America, upon which occasion the earl of Chatham inveighed with great spirit, against the dilatoriness of administration, and moved 'to address his majesty to cause orders to be issued to general Gage, that he remove the forces from the town of Boston, as soon as the season of the year, and other circumstances, indispensable to the safety and accommodation of the troops, may render it practicable.' He urged the necessity of such a step, as the means of opening a way for settling the dangerous troubles in America, by beginning to allay the ferments and soften animosities there. He said, an hour now lost might produce years of calamity, and pledged himself, that he would not desert for a moment the conduct of this mighty business, from the first to the last, unless nailed to his bed by the extremity of sickness, but would knock at the door of a sleeping ministry, and rouse them to a sense of their imminent danger.

"The times were greatly changed since this wonderful man 'moulded the attentive senate; charmed, persuaded, exalted;' and by the force of his matchless eloquence, annihilated all opposition. He now addressed an assembly, whose pre-conceived opinions were not to be shaken, by the strongest arguments. He could now no longer gain upon his audience by touching their master-passion, and placing full in their view, the advancement of their country's dignity and power. He now maintained a doctrine quite repugnant to the pride, the prejudice, and, as it was imagined, the interest of those who heard him. Wrapped in the contemplation of their own grandeur and irresistible strength, they considered all predictions of disgrace, humiliation and ruin, as the images of a sick fancy, the suggestions of a melancholy mormo; yet all these disadvantages did not deter this venerable statesman, whose old experience had attained to something like a prophetic strain, from predicting with great confidence, the consequences which would infallibly result, if the measures which had been adopted were persisted in."(1)

The following is his speech on this motion. (2)

(1) *North's Admin.* (2) *This celebrated speech is given more at large, and with more elegance and beauty of diction in Dr. Chapman's Speeches, vol. 1, p. 225.*

The sketch here given, though evidently unfinished, is doubtless a strong and faithful outline: It was taken down by Josiah Quincy esq. then in England, and who heard it pronounced; he thus introduces it—"lord Chatham rose like Marcellus. 'Viros supereminet omnes.' He seemed to feel himself superior to those around him. His language, voice and gesture, were more pathetic than I ever saw or heard before, at the bar or senate. He seemed like an old Roman senator, rising with the dignity of age, yet speaking with the fire of youth.

The illustrious sage stretched forth his hand with the decent solemnity of a Paul, and rising with his subject, he smote his breast with the energy and grace of a Demosthenes. He opened with some general observations, on the importance and magnitude of the American quarrel (as he called it.) He enlarged upon the dangerous and ruinous events that were coming upon the nation, in consequence of the present dispute, and the measures already begun and now carrying on by his majesty's ministers. He arraigned their conduct with great severity and freedom. He then proceeded," &c.

Mr. Quincy adds "from the effects of this speech on the great audience without the bar, and from my own emotions and feelings, the miracles of ancient eloquence—the blaze of genius and the burst of thought—with which Grecian and Roman orators have been said to work wonders in the senate and the field, no longer appeared fabulous.

at that time, thought the Americans were all negroes.' I replied, 'I did not in the least doubt it; for if I was to judge by the late acts of parliament, I should suppose that a majority of the people of Great Britain still thought so, for I found that their representatives still treated them as such.' He smiled, and the discourse dropped. The colonel was among those who voted for the Boston port-bill.

Mr. Quincy sailed from England about the 1st of March, in a bad state of health, and against

"MY LORDS, these papers from America, now laid for the first time before your lordships, have been, to my knowledge, five or six weeks in the pocket of the minister. And notwithstanding the fate of this kingdom hangs upon the event of this great controversy, we are but this moment called to a consideration of this important subject. My lords, I do not want to look into one of those papers; I know their contents well enough already. I know that there is not a member in this house, but is acquainted with their purport also. There ought therefore to be no delay in entering upon this matter; we ought to proceed to it immediately. We ought to seize the first moment to open the door of reconciliation. The Americans will never be in a temper or state to be reconciled (they ought not to be) till the troops are withdrawn. The troops are a perpetual irritation to these people: they are a bar to all confidence, and all cordial reconciliation. I therefore, my lords, move—That an humble address be presented to his majesty, most humbly to advise and beseech his majesty, that, in order to open the way towards an happy settlement of the dangerous troubles in America, by beginning to allay ferments, and soften animosities there; and above all, for preventing, in the mean time, any sudden and fatal catastrophe at *Boston*, now suffering under the daily irritation of an army, before their eyes, posted in their town, it may graciously please his majesty, that immediate orders may be dispatched to general *Gage*, for removing his majesty's forces from the town of *Boston*, as soon as the rigour of the season, and other circumstances indispensable to the safety and accommodation of the said troops, may render the same practicable.

"The way my lords, must be immediately opened for reconciliation. It will soon be too late. I know not who advised the present measures. I know not who advises to a perseverance and enforcement of them; but this I will say, that whoever advises them ought to answer for it, at his utmost peril.—I know that no one will avow, that he advised, or that he was the author of these measures: every one shrinks from the charge. But somebody has advised his majesty to these measures, and if his majesty continues to hear such evil counsellors, his majesty will be undone. His majesty indeed may wear his crown; but the American jewel out of it, it will not be worth the wearing.

"What more shall I say? I must not say, that the king is betrayed; but this I will say, the NATION is ruined.(1) What foundation have we for our claims over America? What is our right to persist in such cruel and vindictive measures against that loyal and respectable people? They say you have no right to tax them without their consent. They say truly. Representation and taxation must go together: they are inseparable. Yet there is hardly a man in our streets, though so poor as scarce to be able to get his daily bread, but thinks he is the legislator of America. Our American subjects is a common phrase in the mouth of the lowest orders of our citizens; but property, my lords, is the sole and entire dominion of the owner: it excludes all the world besides the owner. None can intermeddle with it. It is a unity; a mathematical point. It is an atom; untangible by any but the proprietor. Touch it—and the owner loses his whole property. The touch contaminates the whole mass; the whole property vanishes. The touch of another annihilates it; for whatever is a man's own, is absolutely and exclusively his own.

"In the last parliament all was anger—all was rage. Administration did not consider what was practicable, but what was revenge. *Sine clade victoria*, was the language of the ministry last sessions, but every body knew, an idiot might know, that such would not be the issue. But the

(1) *The writer of North's Administration, gives the sentence thus, "My lords; if the ministers thus persevere in misadvising and misleading the king, I will not say that they can alienate the affections of his subjects from his crown; but I will affirm, that they will make the crown not worth his wearing. I will not say that the king is betrayed, but I will pronounce that the kingdom is undone."*

the advice of his physicians, indeed against his own opinion and inclination, but as Mr. Gordon says, "he risks his life for the good of his own colony in particular, and of America in general." It was thought that the information he was to give could not be safely nor fairly communicated by letter. He did not live to make any. He was born in Boston in 1743, an eminent lawyer and patriot; and died April 27 this year.

Mr. Gordon has this memorandum. "My friend Quincy has sacrificed his life for the sake of his country. The ship in which he sailed, arrived at Cape Ann within these two days; but he lived not to get on shore, or to hear and triumph at the account of the success of the Lexington engagement. His remains will be honourably interred by his relations. Let him be numbered with the patriotic heroes who fall in the cause of liberty, and his memory be dear to posterity. Let his only surviving child, a son of about three years, live to possess his noble virtues, and transmit his name down to future generations."

ruin of the nation was a matter of no concern, if administration might be revenged. Americans were abused, misrepresented, and traduced in the most atrocious manner, in order to give a colour, and urge on the most precipitate, unjust, cruel, and vindictive measures that ever disgraced a nation.

“——Rhodamanthus habet *durissima* regna,

“——*Castigat-que, AUDIT-QUE.*

“My lords, the very infernal spirits, they *chastise, castigatque*: sed *auditque*, my lords. The very spirits of the infernal regions *HEAR before* they *punish*. But how have these respectable people behaved under all their grievances? With unexampled patience, with unparalleled wisdom. They chose delegates by their free suffrages: no *bribery*, no *corruption*, no *INFLUENCE* here, my lords. Their representatives meet with the sentiments and temper, and speak the sense of the continent. For genuine sagacity, for singular moderation, for solid wisdom, manly spirit, sublime sentiments and simplicity of language, for every thing respectable and honourable, the congress of Philadelphia shine unrivalled. This wise people speak out. They do not hold the language of slaves; they tell you what they mean.—They do not ask you to repeal your laws as a favour; they claim it as a right; they demand it. They tell you, they will not submit to them; and I tell you the acts must be repealed; they will be repealed; you cannot enforce them. The ministry are check-mated. They have a move to make on the board; and yet not a move but they are ruined.

“Repeal, therefore, my lords, I say. But bare repeal will not satisfy this enlightened and spirited people. What! repeal a bit of paper: repeal a piece of parchment! That alone won’t do, my lords. You must go through. You must declare you have no right to tax: then they may trust you; then they will have confidence in you. I have heard a noble lord speak, who seemed to lay some blame upon general *Gage*. I think that honourable gentleman has behaved with great prudence, and becoming caution. He has entrenched himself and strengthened his fortifications. I don’t know what he could do more. His situation puts me in mind, of a similar transaction in the civil wars of France, when the great *Conde’* on one side, and marshal *Turenne* on the other, with large armies, lay many weeks very near each other. *Turenne*, conscious of the terrible consequences of a victory to himself and country, though the armies were several days in sight of each other, never came to a battle. On his return to the court of France, the queen asked him, ‘Why, marshal, I think you lay several days in sight of your enemy, and you might have been up with him at any time; pray why did you not take him?’ The general very shrewdly replied, ‘Please your majesty, I was afraid he would take me.’——My lords, there are three millions of whigs. Three millions of whigs, my lords, with arms in their hands, are a very formidable body. ’Twas the whigs, my lords, that set his majesty’s royal ancestors upon the throne of England. I hope, my lords, there are yet double the number of whigs in England, that there are in America. I hope the whigs of both countries will join, and make a common cause. Ireland is with the Americans to a man. The whigs of that country will, and those of this country ought, to think the American cause their own. They are allied to each other in sentiment and interest, united in one great principle of defence and resistance; they ought therefore and will, run to embrace and support their brethren. The cause of ship-money, was the cause of all the whigs of England. *You shall not take my money without my consent*, is the doctrine and language of whigs. It is the doctrine and voice of whigs in America, and whigs here. It is the doctrine in support of which, I do not know how many names I could—I may—call in this house; among the living, I cannot say how many I could, to join with me and maintain these doctrines with their blood; but among the dead, I could raise an host innumerable. And, my lords, at this day, there are very many sound, substantial, honest whigs, who ought and who will consider the American controversy, as a great common cause.

“My lords, consistent with the preceding doctrines, and with what I have ever and shall continue to maintain, I say, I shall oppose America whenever I see her aiming at throwing off the navigation act, and other regulatory acts of trade, made *bona fide* for that purpose, and wisely framed and calculated for the reciprocation of interests, and the general extended welfare and security of the whole empire. It is suggested such is their design. I see no evidence of it. But to come at a certain knowledge, of their sentiments and designs on this head, it would be proper first to do them justice. Treat them as subjects, before you treat them as aliens, rebels, and traitors.

“My lords, deeply impressed with the importance of taking some healing measures, at this most alarming, distracted state of our affairs, though bowed down with a cruel disease, I have

crawled to this house, to give you my best experience and council; and my advice is, "to beseech his majesty, &c. &c." (1) This is the best I can think of. It will convince America, that you mean to try her cause, in the spirit and by the laws of freedom and fair inquiry, and not by codes of blood. How can she now trust you, with the bayonet at her breast? She has all the reason in the world now, to believe you mean her death or bondage.'

"Thus entered on the threshold of this business, I will knock at your gates for justice without ceasing, unless inveterate infirmities stay my hand. My lords, I pledge myself never to leave this business: I will pursue it to the end in every shape. I will never fail of my attendance on it, at every step and period of this great matter, unless nailed down to my bed by the severity of disease. My lords, there is no time to be lost; every moment is big with dangers. Nay, while I am now speaking, the decisive blow may be struck, and millions involved in the consequence. The very first drop of blood will make a wound, that will not easily be skinned over. Years, perhaps ages may not heal it. It will be *irritable vulnus*, a wound of that rancorous, malignant, corroding, festering nature, that in all probability, it will mortify the whole body. Let us then, my lords, set to this business in earnest, not take it up by bits and scraps as formerly, just as exigencies pressed, without any regard to the general relations, connexions and dependencies. I would not by any thing I have said, my lords, be thought to encourage America to proceed beyond the right line. I reprobate all acts of violence by her mobility, but when her inherent constitutional rights are invaded, those rights that she has an equitable claim to the full enjoyment of, by the fundamental laws of the English constitution, and ingrafted thereon by the fundamental laws of nature, then I own myself an *American*, and feeling myself such, shall to the verge of my life, vindicate those rights against all men, who strive to trample upon or oppose them.'

Lord Camden's speech is represented to have been very powerful, the following is an outline, as taken down at the same time by Mr. Quincy. (2)

"His lordship opened briefly upon the nature of property, the right of taxation, and its inseparability from representation. 'My lords (he said) I will not enter into the large field of collateral reasoning, applicable to the abstruse distinctions touching the omnipotence of parliament. The declaratory law sealed my mouth. But this I will say, not only as a statesman, politician and philosopher, but as a COMMON LAWYER, my lords, you have no right to tax America. I have searched the matter. I repeat it, my lords, you have no right to tax America. The natural rights of man, and the immutable laws of nature, are all with that people. Much stress is laid on the supreme legislative authority of Great Britain, and so far as the doctrine is directed to its proper object, I accede to it. But it is equally true, according to all approved writers on government, that no man, agreeable to the principles of natural or civil liberty, can be divested of any part of his property without his consent. Every thing has been staked on this single position, that acts of parliament must be obeyed; but this general, unconditional, unlimited assertion, I am far from thinking applicable to every possible case that may arise, in the turn of times. For my part I imagine, that a power resulting from a trust arbitrarily exercised, may be lawfully resisted; whether the power is lodged in a collective body, or single person; in the few or the many. However modified makes no difference. Whenever the trust is wrested to the injury of the people, whenever oppression begins, all is unlawful and unjust; and resistance of course becomes lawful and right. But some lords tell us seriously, that administration must reduce the Americans to obedience and submission; that is, you must make them absolute and infamous slaves, and then——what? We will, say they, give them full liberty. Ah! is this the nature of man? No my lords, I would not trust myself, *American* as I am, in this situation. I do not think I should, in that case, be myself for giving them liberty. No, if they submitted to such unjust, such cruel, such degrading slavery, I should think they were made for slaves; that servility was suited to their nature and genius. I should think they would best serve this country, as their slaves; that their servility would be for the benefit of Great Britain; and I should be for keeping such *Cappadocians* in a state of servitude, such as was suited to their constitution, and might redound much to our advantage.

"My lords, some noble lords talk very much of resistance to acts of parliament. King, lords, and commons, are fine sounding names. But, my lords, acts of parliament have been resisted in all ages. King, lords, and commons, may become tyrants as well as others. Tyranny in one or

(1) *Words of his motion.* (2) *He observes, "lord Camden spoke next on the side of America, and in support of the motion. He equalled lord Chatham in every thing, but that fire and pathos which are the forte of his lordship. In learning, perspicuity, and pure eloquence, probably no one ever surpassed lord Camden."*

more is the same. It is as lawful, to resist the tyranny of many, as of one. Somebody once asked the great Mr. *Selden*, in what law-book, in what records or archives of the state, you might find the law for resisting tyranny. 'I don't know (said Mr. *Selden*) whether it is worth your while, to look deeply into the books upon this matter; but I'll tell you what is most certain, that it has always been the *custom* of England—and the custom of England, is the law of the land.'

"There is a gentleman, whom I need not name, his works are well received and well known, (*Blackstone*) who avoids stating any rule, when resistance is lawful; and he lays down the revolution as the only precedent. He says, that the various circumstances, events and incident, that may justify it, cannot be defined; but the people at large will judge of their welfare and happiness, and act accordingly. The same writer says, that whenever a case exactly similar in all its parts and circumstances to the revolution, when a case shall run upon *all fours* with that, then the law seems to be settled that resistance is lawful. I do not pretend to quote his words. I think his meaning is very much as I have stated it. But undoubtedly, in cases in many respects dissimilar, but in equal degree tyrannical and oppressive, resistance may be lawful, and the people in all ages, countries, and climes, have at times known these things, and they have, and will for ever act accordingly."

Notwithstanding all that could be urged by many eminent speakers, on a division, there appeared but 18 lords for the motion, 77 against it.

"The language of the lords in administration, was high and decisive. And it was declared, that the mother country should never relax, till America confessed her supremacy; and it was acknowledged to be the ministerial resolution, to enforce obedience by arms.

"[*Jan. 23.*] The principal trading and manufacturing towns in the kingdom, having waited to regulate their conduct as to American affairs, by that of the merchants of *London* and *Bristol*, followed the example of these two great commercial bodies, and prepared petitions upon that subject, to be presented to parliament.

"The petition from the merchants of *London*, was of course the first delivered, and it was moved to be referred to the committee appointed to take into consideration the *American* papers; but it was moved by way of amendment on the ministerial side, that it should be referred to a separate committee to meet on the 27th, the day *succeeding* that appointed for the consideration of *American* papers. This was objected to as a shameful pitiful evasion; but upon the question's being put, the amendment was carried, 197 against 81 who supported the original motion.

"A similar fate attended the petitions from *Bristol*, *Glasgow*, *Norwich*, *Liverpool*, *Manchester*, *Birmingham*, *Wolverhampton*, *Dudley*, and some other places; all of which, in turn, were consigned to what Mr. *Burke* termed—the committee of *oblivion*.

"[*Jan. 26.*] On the day appointed for the consideration of *American* affairs, a second and very strong petition was presented from the merchants of *London*. On which it was moved, that the order for referring the merchants petition to a separate committee should be discharged, and that it should be referred to a committee of the whole house, appointed to consider the *American* affairs. The indignity and mockery offered to so great a body as the merchants of *London*, by the late resolution, which with an insidious affectation of civility, received the petition with one hand, and threw it out of the window with the other, was painted in strong colours. All the debates, on the subject of the petitions, were attended with an unusual degree of asperity, and even acrimony, on the side of opposition. The conduct also of the late parliament, was scrutinized without mercy, and its memory treated with more than want of respect. A gentleman, remarkable for a sarcastic poignancy in his observations, in sketching a short history of that parliament, said, 'that they began their political life with a violation of the sacred right of election, in the case of *Middlesex*; that they had died in the act of popery, when they established the *Roman catholic* religion in *Canada*; and that they had left a rebellion in *America* as a legacy.' The motion was rejected upon a division by a very great majority—so it went to the committee of oblivion.

"Though it was then late, a petition was offered from Mr. *Bollan*, Dr. *Franklin*, and Mr. *Lee*, stating that they were authorized by the *American continental congress*, to present a petition from the congress to the king, which petition his majesty had referred to that house, and that they were enabled to throw great light upon the subject: they prayed to be heard at the bar in support of the said petition.(1) A violent debate ensued. The ministry alledged, that the congress was

(1) "The agents were informed, that his majesty could not receive the petition, as such a step would be to acknowledge the legality of that congress." "As it was well known, that the *Americans* had formed great expectations from this application, and the minister, only three days before, had assigned as a reason of the delay in proceeding on the *American* business, that such a peti-

no legal body, and none could be heard in reference to its proceedings, without giving that illegal body some degree of countenance. It was answered, that the congress, however illegal as to other purposes, was sufficiently legal for presenting a petition. It was signed by the names of all the persons who composed it, and might be received as from individuals. It was said, that it was their business, rather to find every plausible reason for receiving petitions, than to invent pretences for rejecting them : that the rejection of petitions was one principal, if not the most powerful cause of the present troubles : and that this mode of constantly rejecting their petitions, and refusing to hear their agents, would infallibly end in universal rebellion, and not unnaturally, as those seem to give up the rights of government, who refuse to hear the complaints of the subject. The ministry insulted the petition, as containing nothing but pretended grievances, while they refused to hear and discuss it. It was rejected by 218 to 68. This rejection must have been foreseen by all who knew, that on the fourth of the month, lord Dartmouth, by the king's orders, had written a circular letter to the governors of his majesty's colonies, requiring them to use their utmost endeavours to prevent the holding of any more congresses ; and that the American grievances were in the letter termed, *pretended*.

"It was evident, that both houses of parliament were ready to adopt any measures, which administration should propose ; and it was confidently believed and asserted, that when the merchants and manufacturers were deprived of all hopes of preventing the operation of force, it would then become their interest to give all possible effect to it. They would thus become by degrees, a principal support of that cause which they now so eagerly opposed."(1)

"[Feb. 1.] In the course of the debate on lord Chatham's motion, for addressing his majesty to withdraw his troops from Boston, it had been observed by some lords in administration, that it was common and easy to censure their measures, but those who did so, proposed nothing better. Lord Chatham answered, that he should not be one of those idle censurers, that he had thought long and closely upon the subject, and purposed soon to lay before their lordships the result of his meditations, in a plan for healing the differences between Great Britain and the colonies, and for restoring peace to the empire. When he had matured his plan, he (this day) introduced it into the house, in the form of a bill for settling the troubles in America. In this he proposed, that the colonists should make a full acknowledgment of the supremacy of the legislature, and the superintending power of the British parliament. The bill did not absolutely decide on the right of taxation, but partly as a matter of grace, and partly as a compromise, declared and enacted, 'that no tollage, tax, or other charge, should be levied in America, except by common consent, in their provincial assemblies.' It asserted the right of the king, to send a legal army to any part of his dominions at all times, but declared, 'that no military force could ever be lawfully employed, to violate or destroy the just rights of the people.' It also legalized the holding a congress in the ensuing May, for the double purpose 'of recognizing the supreme legislative authority, and superintending power of parliament over the colonies, and for making a free grant to the king, his heirs and successors, of a certain and perpetual revenue, subject to the disposition of parliament, and applicable to the alleviation of the national debt.' On these conditions the bill proposed, 'to restrain the power of the admiralty courts to their ancient limits, and suspended for a limited time, those acts which had been complained of by congress.' It proposed to place the judges in America on the same footing, as to the holding of their salaries and offices, with those in England; and secured to the colonies all the privileges, franchises, and immunities, granted by their several charters and constitutions. His lordship introduced this plan with a speech, in which he explained and supported every part of it. When he sat down, lord Dartmouth rose and said, 'it contained matter of such magnitude as to require consideration, and therefore hoped, that the noble earl did not expect their lordships to decide upon it, by an immediate vote, but would be willing it should lie on the table for consideration.' Lord Chatham answered, 'that he expected no more,' but lord Sandwich rose, and in a petulant speech opposed its being received at all, and gave his

(1) *Gord.*

tion was coming over, and that it was of so conciliatory a nature, as to make way for healing and lenient measures, and for reconciling all matters in an amicable manner ; such a conduct appeared somewhat paradoxical, and indicated that no kind of compromise could take place ; at the same time, it might be plainly inferred that this austerity on the part of government, was just then assumed. Such being the temper which dictated measures, the application by the general assembly of the province of New York to the house of commons, was not permitted to lie upon the table."

opinion, 'that it ought immediately to be rejected with the contempt it deserved. That he could not believe it to be the production of any British peer—that it appeared to him rather the work of some American,' and turning his face towards Dr. Franklin, who was leaning on the bar, said, 'he fancied he had in his eye the person who drew it up, one of the bitterest and most mischievous enemies this country had ever known.' This turned the eyes of many lords on the insulted American, who, with that self-command, which is peculiar to great minds, kept his countenance unmoved. Several other lords of the administration gave their sentiments also, for rejecting lord Chatham's conciliatory bill, urging that it not only gave a sanction to the traitorous proceedings of the congress already held, but legalized their future meeting. They enlarged on the rebellious temper and hostile disposition of the Americans, and said, 'that, though the duty on tea was the pretence, the restrictions on their commerce, and the hopes of throwing them off, were the real motives of their disobedience, and that to concede now, would be to give up the point forever.'

"The dukes of Richmond and Manchester, lord Camden, lord Lytleton, and others, were for receiving lord Chatham's conciliatory bill—some from approbation of its principles, but others, only from a regard to the character and dignity of the house.

"Lord Dartmouth, who, from indecision, rarely had any will or judgment of his own, and who with dispositions for the best measures, could be easily prevailed upon to join in support of the worst, finding the opposition from his coadjutors in administration unexpectedly strong, turned round and gave his voice with them, for immediately rejecting the plan. Lord Chatham, in reply to lord Sandwich, declared 'the bill proposed by him to be entirely his own, but he made no scruple to declare, that if he were the first minister of the country, and had the care of settling this momentous business, he should not be ashamed of publicly calling to his assistance a person, so perfectly acquainted with the whole of the American affairs, as the gentleman alluded to, and so injuriously reflected upon. (Dr. Franklin)—One whom all Europe held in high estimation for his knowledge and wisdom, and ranked with her Boyles and her Newtons—who was an honour, not only to the English nation, but to human nature.'

"The plan proposed by lord Chatham was rejected, by a majority of 64 to 32, and without being admitted to lie on the table. That a bill on so important a subject, offered by one of the first men of the age, and who, as prime minister of the nation, had but a few years before, taken up Great Britain when in the lowest despondency, and conducted her to victory and glory, through a war with two of the most powerful kingdoms of Europe; should be rejected without any consideration, or even a second reading, was not only a breach of decency, but a departure from that propriety of conduct, which should mark the proceedings of a branch of the national legislature. It could not but strike every thinking American, that such legislators, influenced by passion, prejudice, and party spirit, many of whom were totally ignorant of the subject, and who would not give themselves an opportunity by a second reading, or farther consideration, to inform themselves better, were very unfit to exercise unlimited supremacy over three millions of virtuous, sensible people, inhabiting the other side of the globe.

"On the day after the rejection of lord Chatham's bill, a petition was presented to the house of commons, from the *planters* of the sugar colonies residing in Great Britain, and the merchants of London trading to the colonies.—In this they stated, that the British property in the West India islands, amounted to upwards of thirty millions, and that a further property of many millions was employed, in the commerce created by the said islands, and that the profits and produce of these immense capitals, which ultimately centered in Great Britain, would be deranged and endangered by the continuance of the American troubles. The petitioners were on the 16th of the next month admitted to a hearing, when Mr. *Glover*, as their agent, ably demonstrated the folly and danger of persevering in the contest, but without any effect. The immediate coercion of the colonies was resolved upon, and the ministers would not suffer themselves to be diverted from its execution. They were confident of success, if they could once bring the controversy to the decision of arms. They expected more from conquest, than they could promise themselves by negotiation or compromise. The free constitutions of the colonies, and their rapid progress in population, were beheld with a jealous eye, as the natural means of independence. They conceived the most effectual method of retaining them long, would be to reduce them soon. They hoped to be able to extinguish remonstrance and debate, by such a speedy and decisive conquest, as would give them an opportunity to new-model the colonial constitutions, on such principles as would have prevented future alterations on the subject of their chartered rights. Every representation that tended to retard or obstruct the coercion of the colonies, was therefore considered as tending only to prolong the controversy. Confident of victory, and believing that nothing short of it would re-

store the peace of the empire, the ministry turned a deaf ear to all petitions and representations. They even presumed that the petitioners, when they found Great Britain determined on war, would assist in carrying it on with vigour, in order to expedite the settlement of the dispute. They took it for granted, that when the petitioning towns were convinced, that a renewal of the commercial intercourse between the two countries, would be sooner obtained by going on than turning back, that the same interest which led them at first to petition, would lead them afterwards to support coercive measures, as the most effectual and shortest way of securing commerce, from all future interruptions.

The determination of ministers to persevere was also forwarded, by hopes of the defection of New York from her sister colonies.—They flattered themselves, that when one link of the continental chain gave way, it would be easy to make an impression on the disjointed extremities.

“Truly critical was that moment to the union of the empire. A new parliament might, without the charge of inconsistency, have repealed acts passed by a former one, which had been found inconvenient on experiment; but pride and passion, under the specious names of national dignity and zeal for the supremacy of parliament, induced the adoption of measures, for immediately compelling the submission of the colonies.

“The repeal of a few acts of parliament would, at this time, have satisfied America. Though she had been extending her claims, yet she was still willing that Great Britain should monopolize her trade, and that the parliament should regulate it for the common benefit of the empire; nor was she disposed to abridge his majesty, of any of his usual prerogatives. This authority was sufficient for the mother country to retain the colonists in a profitable state of subordination, and yet not so much as to be inconsistent with their claims, or the security of their most important interests. Britain viewed the matter in a different light. To recede at this time, would be to acknowledge, that the ministry had hitherto been in the wrong; a concession rarely made by private persons, but more rarely still by men in public stations. The leading members in parliament, not distinguishing the opposition of freemen to unconstitutional innovations, from the turbulence of licentious mobs breaking over the bounds of law and constitution, supposed that to redress grievances, was to renounce sovereignty. This inference, in some degree, resulted from the broad basis which they had assigned to the claims of the mother country. If, as was contended, on the part of Great Britain, they had a right to bind the colonies in all cases whatsoever, and the power of parliament over them was absolute and unlimited, they were precluded from rescinding any act of theirs, however oppressive, when demanded as a matter of right. They were too highly impressed with ideas of their unlimited authority to repeal any of their laws, on the principle that they had not a constitutional power to enact them, and too unwise to adopt the same measure on the ground of political expediency. Unfortunately for both countries, two opinions were generally believed, neither of which was perhaps true in its utmost extent, and one of which was most assuredly false. The ministry and parliament of England proceeded on the idea, that the claims of the colonists amounted to absolute independence, and that a fixed resolution to renounce the sovereignty of Great Britain, was concealed under the specious pretext of a redress of grievances. The Americans on the other hand were equally confident, that the mother country not only harboured designs unfriendly to their interests, but seriously intended to introduce arbitrary government. Jealousies of each other were reciprocally indulged, to the destruction of all confidence, and to the final dismemberment of the empire.

“In discussing the measures proposed by the minister for the coercion of the colonies, the whole ground of the American controversy was traversed. The comparative merits of concession and coercion were placed in every point of view. Some of the minority in both houses of parliament, pointed out the dangers that would attend a war with America—the likelihood of the interference of other powers—the probability of losing, and the impossibility of gaining any thing more than was already possessed. On the other hand, the friends of the ministry asserted, that the Americans had been long aiming at independence—that they were magnifying pretended grievances to cover a premeditated revolt—that it was the business and duty of Englishmen at every hazard, to prevent its completion, and to bring them back to a remembrance, that their present greatness was owing to the mother country; and that even their existence had been purchased at an immense expense of British blood and treasure. They acknowledged the danger to be great, but said ‘it must be encountered; that every day’s delay increased the evil, and that it would be base and cowardly to shift off for the present an unavoidable contest, which must fall with accumulated weight on the heads of their posterity.’ The danger of foreign interference was denied, and it was contended that an appearance of vigorous measures, with a farther rein-

forcement of troops at Boston, would be sufficient to quell the disturbances; and it was urged, that the friends of government were both strong and numerous, and only waited for a proper support, and favourable circumstances, to declare themselves." (1)

[Feb. 2.] Neither petitions, arguments, or consequences, availing to close the breach, which had been opened by the former parliament, (2) it was now high time for the minister to unfold his plan; and the first step was to gain the concurrence of parliament by a strong address on American affairs, and declaring "a rebellion to exist in Massachusetts."

"Having prepared the way by a speech, he moved for an address to the king, and for a conference with the lords, that it might be the joint address of both houses. The address returns thanks for the communication of the American papers; and declares, that they find from them, that a rebellion actually exists within the province of the Massachusetts bay; that the parties concerned in it have been countenanced and encouraged, by unlawful combinations and engagements entered into, in several of the other colonies; that they never can relinquish any part of the sovereign authority over all the dominions, which by law is vested in his majesty and the two houses of parliament; but they ever have been, and always shall be ready to pay attention and regard to any real grievances, of any of his majesty's subjects, which shall in a dutiful and constitutional manner be laid before them; but at the same time they beseech his majesty to take the most effectual measures, to enforce due obedience to the authority of the supreme legislature; and in the most solemn manner assure him, that at the hazard of their lives and properties, they will stand by him, against all rebellious attempts, in the maintenance of the just rights of his majesty and the two houses of parliament.

"Lord North then gave a sketch of the measures he intended to pursue, which were to send a greater force to America, and to bring in a temporary act to put a stop to all the foreign trade of the different colonies of *New England*, particularly their *fishery* on the banks of Newfoundland, till they returned to their duty.

"The address was so loaded with consequences, the extent of which could not be defined, that it called up all the powers of opposition; and even some few of the most moderate in the house, seemed to feel a kind of horror at entering upon a measure, so dangerous in the tendency, and inexplicable in the event.

"A gentleman, of the first eminence in the law, followed the minister through the whole detail of his speech, and answered the different positions. He insisted, that having examined with legal precision the definitions of treason, the Americans were not in rebellion, and said 'Whatever the disorders may be, they are created by the conduct of those, whose views are to establish despotism, and which are manifestly directed to reduce America, to the most abject state of servility, as a prelude to the realizing the same wicked system in the mother country.' He concluded by maintaining, that an opposition to arbitrary measures is warranted by the constitution, and established by precedent.

"The other gentlemen of the minority entered but little, into the juridical part of the debate; but maintained, that it would be imprudent for the parliament at this time to declare the disturbances rebellious. They said, 'It is well known no act of violence has been committed in the Massachusetts bay, which has not been equalled by something similar in every other province, and sometimes even exceeded by acts of a more heinous nature; that therefore the only effect of this violent, but partial declaration of rebellion will be, to delude ourselves into preparations of hostility, as if against one province only, when in truth we have to contend with twelve.'

On the other side, the crown lawyers and ministerial debaters maintained, that such Americans as come within certain descriptions, and have been guilty of certain acts, and still persevere in the support and commission of such acts, are in a state of actual rebellion; that the punishment of a few of the worst sort of traitors, such as *Hancock* and his crew, (3) may be sufficient to teach the rest their duty in future; and that the boasted union of the colonies will dissolve, the moment parliament shows itself resolved on vigorous and severe measures. Some gentlemen of rank in

(1) *Ramsay*. (2) *By passing the East India co. "tea act" in June, 1773, and the "penal bills" against Boston and Massachusetts in the spring of 1774, for destroying the tea &c.*

(3) *The idea was certainly entertained at one time, after the arrival of gen. Gage in May, 1774, of seizing on Hancock, Adams, and some others, and transporting them to England to be tried under the 35 H. 8. for treason: but the difficulties were insuperable; It will be seen also, that the Suffolk meeting on the 6th of Sep. 1774, by their 13th resolution had declared, they would retaliate "upon every servant of the present tyrannical government, &c. until the persons apprehended were liberated," and congress approved this resolution.*

the army, treated all idea of resistance by the Americans with the utmost contempt. They said, 'They are neither soldiers, nor ever can be made so, being naturally of a pusillanimous disposition, and utterly incapable of any sort of order or discipline; and by their laziness, uncleanness, and radical defect of constitution, they are disabled from going through the service of a campaign, but will melt away with sickness before they can face an enemy; so that a slight force will be more than sufficient for their complete reduction.' (1) Many ludicrous stories to that purport were told, greatly to the entertainment of the house. A motion however was made for an amendment, which, upon a division, was rejected by a large majority, 304 against 105. The question being then put for the address, was carried by nearly the same majority.

"But the minority had not done with the business. Upon receiving the report from the committee a few days after, [Feb. 5.] a noble lord made a motion to re-commit the address, and supported it with many arguments. He stated our domestick situation, and inferred the impropriety and danger of a declaration from that house, of the existence of a rebellion in any part of our dominions; and showed the desperate measures into which it might precipitate the Americans, and the advantage that might be taken of such an occasion by our powerful and watchful neighbours, whose ancient enmity and jealousy were much increased by the glory we had acquired, and the disgrace and loss they had suffered in the last war. He said "My head and my heart join in deprecating the horrors of a civil war, which will be rendered still more dreadful, by its involving in its certain consequences, a foreign one, with the combined forces of great and powerful nations."

"This motion introduced the longest and most interesting debate, that had taken place in the new parliament. It was acknowledged on all hands, that the present crisis was the most perilous and intricate, in which the nation had been involved since the revolution. It was contended by those who opposed the motion, that the Americans were not to be won by kindness, or retained by benefits; and that the tenderness, which had been constantly practised by government, had produced the present fatal consequences. The danger from foreign powers supporting the Americans, was said to be imaginary; and it was still contended by several, that an appearance of vigorous measures, with some reinforcement of the troops at Boston, would prove sufficient to quell the disturbances in America, without the drawing of blood.

"On the other side, the address was stigmatized as cruel, sanguinary, and unjust. It was urged, 'The Americans have given the strongest and most unequivocal demonstrations, of their filial piety toward the mother country. They have fought and bled by our side. In the present state of distraction, they require no more for the restoration of harmony, than to be placed in the same situation they were in at the close of the last war. They have been nursed up, for a long series of years, in ideas of certain rights, of which, the electing of their own representatives, and the dispsal of their own money for the publick service only through them, are among the principal. If this is an error, the crown and parliament are equally faulty with the Americans, having in their whole conduct constantly nourished the delusion. At the time of the repeal of the stamp-act, two of the first names of this kingdom, for ability as well as legal knowledge, beside many others, utterly denied the right of taxation. Is it then to be wondered at, that the Americans, with such authorities on their side, are tenacious of a right so invaluable in its nature, which has at all times been considered as the distinction between freemen and slaves, which has been confirmed by so long a prescription, and upon which, to this instant, the wisest and honestest men, even in the mother country, are divided in opinion?—Philip the second and his seventeen provinces, are the counterparty of what we are acting. In comparing the probability of events, can any man say, Great Britain has such a prospect of victory in the event, as Spain might then have expected? If we imagine that the powers of Europe will sit still during this contest, we must suppose a system of policy now to prevail, or rather an extension of folly, all over Europe, which never before was known in any period of its existence.

"Much ill temper appeared in every part of the house, in the course of these debates. The ministry were charged with acting uniformly and systematically upon tory and arbitrary principles, which had thrown the whole empire into a state of confusion and distraction. 'In a word,' it was said, 'the short and simple question before the house is, whether we shall lose the colonies, or give up our ministry.

"The ministry on the other hand, talked much about faction at home, and republican princi-

(1) "General Grant, who ought to have known better, declared that 'at the head of five regiments of infantry, he would undertake to traverse the whole country, and drive the inhabitants from one end of the continent to the other.'"

ples; and the Americans being spirited up to their rebellion by incendiary writers and speakers in England. After a debate, which continued till half an hour after two in the morning, the motion for the re-commitment of the address, was rejected by nearly the former majority."

In the house of lords, on a motion to *concur* in the address, very animated debates ensued; the questions of treason, rebellion, and constructive treasons, were deeply entered into between lords Camden, and Mansfield, on opposite sides:

"This extraordinary debate, was attended with some singular circumstances. Lord Mansfield, to the great surprize of most of his auditors, condemned, in very explicit and unreserved terms, the measure of laying on the duties in 1767, which he declared to be the most absurd and pernicious that could be advised, and the cause of all the present impending evils. The duke of Grafton, lord Shelburne, and lord Camden, who were at that time cabinet councillors and held the first offices in the state, declared separately in their places, that they had no share in that measure, nor had ever given any approbation. The manner in which a measure of ministry was carried against the opinion of ministers, was not explained. A disclosure relative to a matter, which had already convulsed the whole empire, and was still more to be dreaded in its future consequences, excited general amazement, mixt with indignation and regret in individuals. The fatal and over-ruling secret influence, which had so long guided and marred all publick affairs, was deplored and animadverted upon in different parts of the house.

"When the question came to be put, whether to agree with the commons in the address, by inserting the words necessary to fill up the blank, it was carried by a prodigious majority." (1)

[Feb. 9.] The joint address, "from both lords and commons, was presented to his majesty, in which 'they returned thanks for the communication of the papers relative to the state of the British colonies in America, and gave it as their opinion, that a rebellion actually existed in the province of Massachusetts, and beseeched his majesty, that he would take the most effectual measures, to enforce due obedience to the laws and authority of the supreme legislature, and begged, in the most solemn manner to assure his majesty that it was their fixed resolution, at the hazard of their lives and properties, to stand by his majesty against all rebellious attempts, in the maintenance of the just rights of his majesty, and the two houses of parliament.'

"The lords, Richmond, Craven, Archer, Abergavenny, Rockingham, Wycombe, Courtenay, Torrington, Ponsonby, Cholmondeley, Abingdon, Rutland, Camden, Effingham, Stanhope, Scarborough, Fitzwilliam, and Tankerville, protested against this address, 'as founded on no proper parliamentary information, being introduced by refusing to suffer the presentation of petitions against it (though it be the undoubted right of the subject to present the same)—as following the rejection of every mode of conciliation—as holding out no substantial offer of redress of grievances, and as promising support to those ministers who had inflamed America, and grossly misconducted the affairs of Great Britain.'

"By the address, against which this protest was entered, the parliament of Great Britain passed the Rubicon. In former periods it might be alledged, that the claims of the colonies were undefined, and that their unanimous resolution to defend them was unknown; but, after a free representation from twelve provinces had stated their rights, and pledged themselves to each other to support them, and their determinations were known, a resolution that a rebellion actually existed, and that at the hazard of their lives and properties, they would stand by his majesty against all rebellious attempts, was a virtual declaration of war. Both parties were now bound, in consequence of their own acts, to submit their controversy to the decision of arms. Issue was joined, by the approbation congress had given to the Suffolk resolves, and by this subsequent joint address of both houses of parliament to his majesty. It is probable that neither party, in the beginning, intended to go thus far; but by the inscrutable operations of Providence, each was permitted to adopt such measures as not only rent the empire, but involved them both, with their own consent, in all the calamities of a long and bloody war.

"The answer from the throne to the joint address of parliament, contained assurances of taking the most speedy and effectual measures for enforcing due obedience to the laws, and authority of the supreme legislature. This answer was accompanied with a message to the commons, in which they were informed, that some augmentation to the forces by sea and land would be necessary. An augmentation of 4883 men to the land forces, and of 2000 seamen, to be employed for the ensuing year, was accordingly asked for, and carried without difficulty. By the first it was stated, that the force at Boston would be ten thousand men, a number supposed to be sufficient for enforcing the laws.

[Feb. 10.] The king, parliament, and nation, being thus pledged, and a military additional force voted; the minister proceeded with his other schemes of compulsion; "with this view a punishment was proposed, so universal in its operation, that it was expected the inhabitants of the New England colonies, to obtain a riddance of its heavy pressure, would interest themselves in procuring a general submission to parliament. Lord North therefore, on this day, moved for leave to bring in a bill 'to restrain the trade and commerce, of the provinces of Massachusetts bay and New Hampshire, the colonies of Connecticut and Rhode Island and Providence Plantations, in North America; to Great Britain, Ireland, and the British islands in the West Indies; and to prohibit such provinces and colonies from carrying on any fishery on the banks of Newfoundland, or other places therein to be mentioned, under certain conditions, and for a limited time. (1) The motion for this bill was supported by declaring, that as the Americans had refused to trade with the mother country, they ought not to be permitted to trade with any other. It was known that the New England colonies carried on a circuitous trade and fishing, on the banks of Newfoundland, to a great extent. To cut them off from this resource, they were legislatively forbidden to fish, or to carry on foreign trade. It was presumed that the wants of a large body of people deprived of employment, would create a clamor in favour of reconciliation.

"The British ministry expected to excite the same temper in the unemployed New Englandmen, that congress meant to raise by the non-importation agreement, among the British merchants and manufacturers. The motion for this bill, brought into view the whole of the American controversy. The opposers of it said, that its cruelty exceeded the examples of hostile rigor with avowed enemies; for that in the most dangerous wars, the fishing craft was universally spared—they desired the proposer of the bill to recollect, that he had often spoken of the multitude of

(1) XII Stats. 227. 15 Geo. 3. c. 10. Passed March 13, 1775.—"*An act to restrain the trade and commerce of the provinces of Massachusetts bay and New Hampshire, and colonies of Connecticut, and Rhode Island and Providence plantations in North America, to Great Britain, Ireland, and the British islands in the West Indies; and to prohibit such provinces and colonies from carrying on any fishery on the banks of Newfoundland, or other places therein mentioned, under certain conditions and limitations.*"

It recites, that whereas during the continuance of the combinations and disorders, which at this time prevail within the provinces of Massachusetts bay, New Hampshire, Connecticut, and Rhode Island, to the obstruction of commerce, &c. and in violation of the laws of the realm, it is highly unfit that the inhabitants of said provinces, should enjoy the same benefits and privileges of trade &c. to which his majesty's faithful and obedient subjects are entitled;—enacts that after July 1, 1775, no goods &c. enumerated in the Stat. of 12 Car. 2. of the growth product or manufacture of these colonies, shall be exported to any other colony or place whatsoever, nor to Great Britain; nor shall any of said enumerated goods &c. imported into these colonies, be exported to any other colony or place, except to Great Britain, or to the British Islands:—and that no other of the goods &c. of the growth, product, or manufacture of said colonies, or which shall at any time have been brought into the same, shall be exported to any other port or place whatsoever, except to Great Britain, Ireland, or the British islands of the West Indies.

The act then provides, that bonds shall be given on exportation, for their being exported and landed according to the act;—and ship and cargo forfeited if goods laden &c. before the bond given and certificate thereof by the collector &c.

That after Sep. 1, 1775, no wines or salt, or any commodities whatsoever (except horses, victuals, and linen cloth from Ireland,) shall be imported into these colonies, except from Great Britain direct, upon forfeiture of the ship and cargo.—And on the arrival, or at any place within 2 leagues of the shore, such ship &c. may be seized by any naval commissioned officer, collector &c.—It excepts imports, and exports, of said provinces, for victualling his majesty's ships &c. troops, garrisons &c. also importations from the British West Indies, &c.

After July 20, every vessel belonging to any British subject, not belonging to and fitted out from Great Britain, Ireland, Guernsey, Jersey, Sark, Alderney, or Man, and carrying on any fishery on the banks of Newfoundland, Coast of Labrador, Gulf of St Lawrence, Coast of Cape Breton, Nova Scotia, or other part of the Coast of North America, or having materials on board for carrying on the same shall, vessel, cargo, &c. be forfeited, unless the master produces a certificate from the governor, or commander of his majesty's ships of war on said stations, that such ship was fitted out from &c. the colonies of Quebec, Newfoundland, St. Johns, Nova Scotia, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, East Florida, West Florida, or the Bahamas, and Bermudas.

His majesty's ships of war may search and seize, all ships so carrying on said fishery, not having such certificate.

This act not to affect ships fitted out for the whale fishery before June 1,—nor Nantucket whale ships; nor Marshfield and Scituate townships in Massachusetts, carrying on the mackerel, shad, and alewife fisheries.

Provision is made, that upon the proclamation of the respective governors &c. of those colonies, that peace is so far restored in the same, that commerce may be safely carried on &c. the prohibitions of the act, with respect to such province shall cease &c.

All penalties recoverable in the admiralty &c. as in other cases.

friends he had in those provinces, and that now he confounded the innocent with the guilty, friends with enemies, and involved his own partizans in one common ruin with his opposers. They alledged farther, that the bill would operate against the people of Great Britain, as the people of New England were in debt to them, and had no other means of paying that debt but through the fishery, and the circuitous trade depending on it. It was observed, that the fishermen, being cut off from employment, must turn soldiers; and that therefore, while they were provoking the Americans to resistance by one set of acts, they were furnishing them with the means of recruiting an army by another. The favourers of the bill denied the charge of severity, alledging that the colonists could not complain of any distress the bill might bring on them, as they not only deserved it, but had set the example; that they had entered into unlawful combinations, to ruin the merchants and manufacturers of Great Britain. It was said, that if any foreign power had offered a similar insult or injury, the whole nation would have demanded satisfaction. They contended that it was a bill of humanity and mercy; for, said they, the colonists have incurred all the penalties of rebellion, and are liable to the severest military execution. Instead of inflicting the extent of what they deserved, the bill only proposes to bring them to their senses, by restricting their trade. They urged farther, that the measure was necessary, for, said they, 'the Americans have frequently imposed on us, by threatening to withdraw their trade, hoping through mercantile influence to bend the legislature to their demands—that this was the third time they had thrown the commerce of Great Britain into a state of confusion—That both colonies and-commerce were better lost, than preserved on such terms.' They added farther, that they must either relinquish their connexion with America, or fix it on such a basis as would prevent a return of these evils. They admitted the bill to be coercive, but said, 'That the coercion which puts the speediest end to the dispute, was eventually the most merciful.' (1)

"In the progress of the bill, the London merchants and traders interested in the American commerce, petitioned against it, and were allowed to be heard. In consequence of this, a long train of witnesses were examined, and it appeared, that in 1764, the four New-England colonies employed in their several fisheries, no less than 45,880 ton of shipping, and 6002 men, and that the produce of their fisheries in the foreign markets for that year, amounted to 322,220*l.* 16*s.* sterling—that the fisheries were greatly increased—that all the materials used in them, except salt, and the timber of which their vessels were built, were taken from this country, and that the nett proceeds of the fish were remitted here—and that there was near a million of money owing from New England to the city of London only. They stated to the house, that the calamities consequent upon the bill, must fall in a particular degree upon the innocent. The ease of the inhabitants of Nantucket, would be particularly hard. They amounted to some thousands; nine-tenths of them quakers, inhabiting a barren land; but by an astonishing industry, they kept 140 vessels in constant employ, eight in the importation of provisions for the island, and the rest in the whale fishery.

"[Feb. 20.] While the bill was pending, lord North amazed all parties, and seemed for a time nearly to dissolve his own, by a *conciliatory motion* in regard to America. It proposed, "That when the governor, council and assembly, or general court of his majesty's provinces or colonies, shall propose to make provision, according to their respective conditions, circumstances, and situations, for contributing their proportion to the common defence, (such proportion to be raised under the authorities of the general court, or general assembly of such province or colony, and disposable by parliament) and shall engage to make provision also for the support of the civil government, and the administration of justice in such province or colony, it will be proper, if such proposal should be approved by his majesty in parliament, and for so long as such provision shall be made accordingly, to forbear, in respect of such province or colony, to levy any duties, tax, or assessment: or to impose any further duty, tax, or assessment, except only such duties as it may be expedient to impose for the regulation of commerce, the nett produce of the duties last mentioned, to be carried to the account of such province, colony or plantation, respectively." (2)

"This was introduced by the minister in a long speech, in which he asserted, that it would be an infallible touch-stone to try the Americans; 'if,' said he, 'their opposition is only founded on the principles which they pretend, they must agree with this proposition, but if they have designs in contemplation different from those they avow, their refusal will convict them of duplicity.' The opposition to the minister's motion, originated among those who had supported him in previous

questions. They objected to the proposal, that in effect it was an acknowledgment of something grievous in the idea of taxing America by parliament, and that it was therefore a departure from their own principles. They contended, that it was improper to make concessions to rebels with arms in their hands, or to enter into any measures for a settlement with the Americans, in which they did not, as a preliminary, acknowledge the supremacy of parliament. The minister was likely to be deserted by some of his partizans, till others explained the consistency of the scheme with their former declarations. It was asked, 'what shall parliament lose by acceding to this resolution? Not the right of taxing America, for this is most expressly reserved. Not the profitable exercise of this right, for it proposed to enforce the only essential part of taxation, by compelling the Americans to raise not only what they, but what we, think reasonable. We are not going to war for trifles and a vain point of honour, but for substantial revenue.' The minister farther declared, that he did not expect his proposition to be generally relished by the Americans. But, said he, if it does no good in the colonies, it will do good here; it will unite the people of England, by holding out to them a distinct object of revenue. He added, farther, as it tends to unite England, it is likely to disunite America, for if only one province accepts the offer, their confederacy, which only makes them formidable, will be broken.

"The opposers of ministry attacked the proposition, with the combined force of wit and argument. (1) They animadverted on the inconsistency of holding forth the same resolution as a measure of concession, and as an assertion of authority. They remarked, that hitherto it had been constantly denied that they had any contest about an American revenue—that the whole had been a dispute about obedience to trade-laws, and the general legislative authority of parliament; but now ministers suddenly changed their language, and proposed to interest the nation—console the manufacturers, and animate the soldiery—by persuading them that it is not a contest for empty honour, but for the acquisition of a substantial revenue. It was said that the Americans would be as effectually taxed, without their consent, by being compelled to pay a gross sum, as by an aggregate of small duties to the same amount. That this scheme of taxation exceeded in oppression, any that the rapacity of mankind had hitherto devised. In other cases a specific sum was demanded, and the people might reasonably presume that the remainder was their own; but here, they were wholly in the dark as to the extent of the demand

"This proposition, however, for conciliation, though illy relished by many of the friends of ministry, was carried on a division of 274 to 88." (2)

[Feb. 27.] A petition was also presented from the *Quakers*, in behalf "of their brethren and others, the inhabitants of *Nantucket*, in which they stated their innocence and industry, the utility of their labours to themselves and the community, the hazards attending their occupations, and the uncertainty of their gains; and showed, that if the bill passed into a law, they must shortly be exposed to all the miseries of a famine.

"In every stage of the bill, the debate re-kindled; and in the course of it, the minority observed, 'When it was thought wisdom to overthrow established privileges and to combat national prejudices, by starting the new claim of taxation, the Americans went no further than to deny our right of internal taxation. Having gained the point of urging them to question one right, we soon convinced them, both by argument and practice, that an external tax might be made to answer all the purposes, and to produce all the mischiefs of internal taxation. They then denied our right of taxing for supply. Parliament then proceeded to deprive them of their charter, and to change the course of justice and trials. Then they were pushed to deny the power of internal legislation. But still, they had hitherto never formally rejected the power of parliament to bind their trade. We are now to convince them, however, that if but a single branch of legislative power is left to this country, we can distort that branch in such a manner, that it shall include all the purposes of unlimited tyranny.' It appeared upon evidence, at the bar of the house, that by the operation of the bill, many thousands of innocent inhabitants would be reduced to the sad alternative, either of perishing through want at home, or of removing to some other less rigorous

(1) *Mr. Gordon observes, "The numerous high prerogative party, who had ever opposed any relaxation in favour of the colonies, heard the proposition with horror, and considered themselves as abandoned or betrayed. They pronounced it a shameful prevarication, and a mean departure from principle; and finally concluded with declaring, that they would make no concessions to rebels with arms in their hands; and that they would enter into no measure for a settlement with the Americans, in which an express and definitive acknowledgment from them of the supremacy of parliament, was not a preliminary article."* (2) *Ramsay.*

government for protection and support ; so that a famine among the New Englanders was predicted, as the consequence of the bill.

"Some gentlemen on the other side of the question, acknowledged the harshness of the measure, but lamented its being indispensably necessary. A much greater number contended, that the bill was in an high degree merciful, and that the New England colonies did not want resources to prevent a famine. A few went so far, as to regret that the bill did not convey punishments adequate to the crimes of the Americans, and to dread that the famine which had been strongly prognosticated, and pathetically lamented, would not take place. It passed the commons *March 8th*, by the usual majority."

In the house of *lords*, the bill met with the same violent opposition ; the marquis of *Rockingham* opposed it with great ability ; in his speech he showed, "that in 1704, the whole amount of the exports to the New England colonies was only about 70,000*l.* annually ; that in 1754, it had arisen to 180,000, in the succeeding ten years to 400,000*l.* and in the last ten years, had nearly doubled that sum.

The bill was carried by a majority of more than three to one ; but was productive of a protest, signed by sixteen lords." (1) (2)

It will be perceived, that the weight of this *first* "restraining fishery bill," was intended to light on the four *New England* states ; particularly in its prohibition of the *fisheries* : however, finding other colonies had made common cause, it was soon determined upon, to extend the prohibitions of the export trade and fisheries, to the rest of the colonies, except *New York*, *North Carolina*, and *Georgia*.

[*March 9.*] Accordingly, the minister introduced a *second* bill entitled, "an act to restrain the trade and commerce of the colonies of *New Jersey*, *Pennsylvania*, *Maryland*, *Virginia*, and *South Carolina* ; to *Great Britain*, *Ireland*, and the *British islands* in the *West Indies*, under certain conditions and limitations. (3)

This act extends all the provisions of the previous restraining act, and for the same reasons contained in the preamble of that act, to the colonies of *New Jersey*, *Pennsylvania*, *Maryland*, *Virginia*, and *South Carolina*, and to the three counties of *Delaware* ; so far as to prevent the export from thence of the *products* of *Pennsylvania*, *New Jersey*, *Maryland*, or *Virginia*, or any but their *own products*."

The reasons assigned for this bill, were "the same with those offered for the other. These provinces had adopted the continental association. The British minister thought it proper, that as they had voluntarily interdicted themselves from trade with *Great Britain*, *Ireland*, and the *West Indies* ; they should be restrained from it, with all other parts of the world. He contended, that the inhabitants of the colonies might render this act a dead letter, by relinquishing their own resolutions, as then they would meet with no restraint in carrying on trade in its ancient legal channel. It is remarkable, that two of the associated colonies, viz. *New York*, and *North Carolina*, were omitted in this restraining bill. Whatever might be the view of the British ministry for this discrimination, it was considered in the colonies as calculated to promote disunion among

(1) *This measure of depriving the New England colonies from any trade in the Newfoundland fisheries, was calculated to inflict the most severe and extensive distress and injury ; by these bills the export trade to England and her West India possessions, was in other things allowed, but the provinces were not allowed to carry fish even to Great Britain or her possessions ; the fisheries both nourished the vigour, and advanced the consequence of the New Englanders ; fisheries not only supplied multitudes of their own people with food, but trained a race of seamen as robust, hardy and undaunted, as any upon the globe. The vessels employed therein, were privileged to dispose of their cargoes in any ports south of Cape Finisterre ; so that the rigid disciple of John Calvin, furnished the catholicks of Portugal, Spain, and even of the Italian states, with their Lenten entertainment. The returns made in these voyages were brought to the ports of Great Britain, and became the payment for British manufactures, with which these ships were freighted home. To prohibit a commerce so extensive, and which employed several thousand Americans, was a bold step. It invested the governor of each province, with such a power to discriminate between rebels and loyalists, flesh and blood could scarcely be supposed capable of exercising, disinterestedly and justly. It tended to convert into enemies a very powerful body of men, and no satisfactory proof was adduced, that the fisheries could be carried on to an equal extent, and as effectually, from any of the ports of Great Britain or Ireland.*

Whatever inconveniences the New England colonists endured from this prohibition, they found means, however, to repay the injury in kind upon the British fisheries at Newfoundland ; for, by withholding their wonted supplies of provision from them, all the distresses of famine were suffered for a considerable time, until they received a supply from Ireland, whereby exhausted life was repaired ; but the means of subsistence became from that time more precarious and less abundant." (2) *Cord.* (3) *XII Stats.* 257. 15 G. 3. c. 18. *March 13, 1775.*

them. It is certain, that the colonies which were exempted from its operation, might have reaped a golden harvest from the exemption in their favour, had they been disposed to avail themselves of it. But such was the temper of the times, that a renunciation of immediate advantage in favour of the publick, was fashionable. The selfish passions, which in seasons of peace are too often the cause of quarrels, were hushed by the pressure of common danger. The exempted colonies spurned the proffered favour, and submitted to the restraints imposed on their less favoured neighbours, so as to be equal sharers of their fate."

"While this bill was in agitation, a long series of evidence, in behalf of the West India merchants and planters, was laid before the house. It appeared, that upon a very moderate computation, the capital in the West India islands, consisting of lands, buildings, negroes and stock of all kinds, did not amount to less than 60,000,000*l.* sterling; that their exports of late years to Britain, ran to about 190,000 hogsheads and puncheons of sugar and rum annually; amounting in weight to 95,000 tons, and in value about 4,000,000*l.* exclusive of a great number of smaller articles, and of their very great export to North America; that their growth was so rapid, and improvement so great, that within a few years their export of sugar to this kingdom, was increased 40,000 hogsheads annually, amounting to about 800,000*l.* in value. The probability was apparent, that more than half of the capital of 60,000,000*l.* was either the immediate property of persons resident in this country, or owing to them; and also that the revenue gained above 700,000*l.* a year upon the direct West India trade, exclusive of its eventual and circuitous products, and of the African trade.

[*March 22.*] "Lord Chatham's plan was not cordially relished by many who wished a reconciliation with America, and indeed, independent of the particular views and private interests of the several leaders (a source of disagreement sufficiently fruitful) nothing could be more complicated than the business of adjusting a practical plan of reconciliation, such as would cause their rising resentments to subside, their jarring interests no longer to clash, and the apprehension of future rivalry to be removed: this was so stupendous a work, as perhaps to surpass the powers of humanity, unsupported by the supreme authority of the state. It was however attempted (maugre royal patronage) by a man, in whom natural endowments, and acquired accomplishments, appear in their full lustre."

With this view, Mr. Burke (not yet hopeless,) on this day brought forward his "plan of conciliation," in a series of resolutions, which he supported by the following speech.

MR. BURKE'S SPEECH. (1)

MR. SPEAKER,

"I hope, sir, that notwithstanding the austerity of the chair, your good nature will incline you to some degree of indulgence towards human frailty. You will not think it unnatural, that those

From the commencement of the disputes between the mother country and the colonies, Mr. Burke seems to have directed a very diligent attention to the subject, as involving the primary interests of the empire. By maintaining a constant intercourse with many of the enlightened characters in the different provinces, he acquired a more extensive and intimate knowledge of the physical and moral condition of the country, with its real views, dispositions, and resources than, perhaps, was attained by any of his contemporaries. The result of this superiour intelligence was, a decided conviction, which he carried through every stage of the controversy, that the exasperated feeling existing in the colonies could only be allayed, and their alienated attachment revived and permanently secured, by placing them exactly on the same footing on which they stood, previous to the introduction of the new and arbitrary system of government. An attempt to sustain the pretensions of the parent state, whether right or wrong, by force, he uniformly predicted would prove impracticable, and must, if adhered to, eventuate in her discomfiture and disgrace.

"To reconcile, by an entire repeal of all the offensive measures, coupled with a solemn renunciation of the principles on which they were founded, so as to leave no just cause of complaint, was the counsel which he strenuously urged.

"In the genuine spirit of this wise and liberal policy he moved, with the hope of dispersing the dark cloud of calamities which he saw impending over the empire, a series of propositions, on the 22d of March, 1775, which he enforced by an exertion of eloquence that has rarely been equalled. These propositions will be found in the body of the speech as they were severally opened. They were all rejected by a large majority.

"In his preceding speech, on taxation, having very luminously traced the different schemes of colonial regulation which arose out of the fluctuating councils of the mother country, Mr. Burke, in the present one, describes with a surprising amplitude and accuracy of information, the internal state of the American dependencies, as relates to their population, agriculture, and commerce, and delineates with his usual skill and nicety of discernment, the genius and character of the people.

"From these two productions, it has truly been said, that more may be learnt of the history of

who have an object depending, which strongly engages their hopes and fears, should be somewhat inclined to superstition. As I came into the house full of anxiety about the event of my motion, I found to my infinite surprise, that the grand penal bill, by which we had passed sentence on the trade and sustenance of America, is to be returned to us from the other house. (1) I do confess, I could not help looking on this event as a fortunate omen. I look upon it as a sort of providential favour, by which we are put once more in possession of our deliberative capacity, upon a business so very questionable in its nature, so very uncertain in its issue. By the return of this bill, which seemed to have taken its flight forever, we are, at this very instant, nearly as free to choose a plan for our American government, as we were on the first day of the session. If, sir, we incline to the side of conciliation, we are not at all embarrassed (unless we please to make ourselves so), by any incongruous mixture of coercion and restraint. We are therefore called upon, as it were by a superiour warning voice, again to attend to America; to attend to the whole of it together; and to review the subject with an unusual degree of care and calmness.

"Surely it is an awful subject, or there is none so on this side of the grave. When I first had the honour of a seat in this house, (2) the affairs of that continent pressed themselves upon us, as the most important and most delicate object of parliamentary attention. My little share in this great deliberation oppressed me. I found myself a partaker in a very high trust; and having no sort of reason to rely on the strength of my natural abilities for the proper execution of that trust, I was obliged to take more than common pains, to instruct myself in every thing which relates to our colonies. I was not less under the necessity of forming some fixed ideas, concerning the general policy of the British empire. Something of this sort seemed to be indispensable, in order, amidst so vast a fluctuation of passions and opinions, to concentrate my thoughts; to ballast my conduct; to preserve me from being blown about by every wind of fashionable doctrine. I really did not think it safe, or manly, to have fresh principles to seek upon every fresh mail, which should arrive from America.

"At that period, I had the fortune to find myself in perfect concurrence, with a large majority in this house. Bowing under that high authority, and penetrated with the sharpness and strength of that early impression, I have continued ever since, without the least deviation in my original sentiments. Whether this be owing to an obstinate perseverance in error, or to a religious adherence to what appears to me truth and reason, it is in your equity to judge.

"Sir, parliament having an enlarged view of objects, made during this interval, more frequent changes in their sentiments and their conduct, than could be justified in a particular person upon the contracted scale of private information. But though I do not hazard any thing approaching to a censure, on the motives of former parliaments to all those alterations, one fact is undoubted; that under them the state of America has been kept in continual agitation. Every thing administered as remedy to the publick complaint, if it did not produce, was at least followed by, an heightening of the distemper; until, by a variety of experiments, that important country has been brought into her present situation; a situation which I will not miscall, which I dare not name; which I scarcely know how to comprehend in the terms of any description.

"In this posture, sir, things stood at the beginning of the session. About that time, a worthy

(1) *The first restraining act, called the Fishery Bill. (2) He came into parliament in 1765, and took a strong part against the stamp act, and in favour of its repeal in 1766: It was in the memorable debate, on the 16 Jan. 1766, on the address to the throne; in which the subject of taxing America was discussed; that Mr. Burke, for the first time, spoke in parliament. His speech was complimented by Mr. Pitt in terms peculiarly grateful to the ambition of a young man. After descanting on its general merits, he with perfect truth observed, "that, Mr. Burke was the only person since the age of Cicero, who had united the talent of speaking and writing, with irresistible force and elegance."*

colonial America, and of the causes which led to the revolutionary struggle, than from all the other discussions and writings upon the subject."

In giving this speech of Mr. Burke's entire, other motives prevailed, than those of merely carrying forward the "historical notes." For this purpose it might have been referred to: but after much consideration, I have inserted the whole: it was impossible to know what or how to extract, where all was so eminently great and so closely connected, as not to admit of separation: my chief inducement, however, is to exhibit this speech to the orator, as a model of the first order of eloquence; and to statesmen, as containing the most profound maxims of policy and government. Yet such was the temper of the house, that, these propositions were not even admitted to discussion; the previous question was moved on the first resolution, and carried by a majority of 270 to 78—which threw the whole subject out of the house. To enable the reader who may not wish to be detained by perusing the speech, to pursue the narrative; I have distinguished the pages containing it, so that it may be passed over at once.

member (1) of great parliamentary experience, who, in the year 1766, filled the chair of the American committee with much ability, took me aside; and, lamenting the present aspect of our politics, told me, things were come to such a pass, that our former methods of proceeding in the house would be no longer tolerated. That the publick tribunal (never too indulgent to a long and unsuccessful opposition), would now scrutinize our conduct with unusual severity. That the very vicissitudes and shiftings of ministerial measures, instead of convicting their authors of inconstancy and want of system, would be taken as an occasion of charging us with a predetermined discontent, which nothing could satisfy; whilst we accused every measure of vigour as cruel, and every proposal of lenity, as weak and irresolute. The publick, he said, would not have patience to see us play the game out with our adversaries: we must produce our hand. It would be expected, that those who for many years had been active in such affairs, should show that they had formed, some clear and decided idea of the principles of colony government; and were capable of drawing out something like a platform of the ground, which might be laid for future and permanent tranquillity.

"I felt the truth of what my honourable friend represented; but I felt my situation too. His application might have been made with far greater propriety, to many other gentlemen. No man was indeed, ever better disposed or worse qualified for such an undertaking, than myself. Though I gave so far into his opinion, that I immediately threw my thoughts into a sort of parliamentary form, I was by no means equally ready to produce them. It generally argues some degree of natural impotence of mind, or some want of knowledge of the world, to hazard plans of government, except from a seat of authority. Propositions are made, not only ineffectually, but somewhat disreputably, when the minds of men are not properly disposed for their reception; and for my part, I am not ambitious of ridicule; not absolutely a candidate for disgrace.

"Besides, sir, to speak the plain truth, I have in general no very exalted opinion of the virtue of paper government; nor of any politics, in which the plan is to be wholly separated from the execution. But when I saw, that anger and violence prevailed every day more and more, and that things were hastening towards an incurable alienation of our colonies, I confess my caution gave way. I felt this as one of those few moments, in which decorum yields to a higher duty. Publick calamity is a mighty leveller; and there are occasions when any, even the slightest, chance of doing good, must be laid hold on, even by the most inconsiderable person.

"To restore order and repose, to an empire so great and so distracted as ours, is, merely in the attempt, an undertaking that would ennoble the flights of the highest genius, and obtain pardon for the efforts of the meanest understanding. Struggling a good while with these thoughts, by degrees I felt myself more firm. I derived at length, some confidence from what, in other circumstances usually produces timidity. I grew less anxious, even from the idea of my own insignificance. For, judging of what you are by what you ought to be, I persuaded myself, that you would not reject a reasonable proposition, because it had nothing but its reason to recommend it. On the other hand, being totally destitute of all shadow of influence, natural or adventitious, I was very sure, that if my proposition were futile or dangerous; if it were weakly conceived, or improperly timed; there was nothing exterior to it, of power to awe, dazzle, or delude you. You will see it just as it is; and you will treat it just as it deserves.

"The proposition is peace. Not peace through the medium of war; not peace to be hunted through the labyrinth of intricate and endless negotiations; not peace to arise out of universal discord, fomented from principle, in all parts of the empire; not peace to depend on the juridical determination of perplexing questions; or the precise marking the shadowy boundaries of a complex government. It is simple peace; sought in its natural course, and its ordinary haunts. It is peace sought in the spirit of peace; and laid in principles purely pacifick. I propose, by removing the ground of the difference, and by restoring the former unsuspecting confidence of the colonies in the mother country, to give permanent satisfaction to your people; and, far from a scheme of ruling by discord, to reconcile them to each other in the same act, and by the bond of the very same interest, which reconciles them to British government.

"My idea is nothing more. Refined policy ever has been the parent of confusion; and ever will be so, as long as the world endures. Plain good intention, which is as easily discovered at the first view, as fraud is surely detected at last, is, let me say, of no mean force in the government of mankind. Genuine simplicity of heart is a healing and cementing principle. My plan therefore, being formed upon the most simple grounds imaginable, may disappoint some people,

when they hear it. It has nothing to recommend it to the pruriency of curious ears. There is nothing at all new and captivating in it. It has nothing of the splendour of the project, which has been lately laid upon your table by the noble lord in the blue ribband. (1) It does not propose to fill your lobby with squabbling colony agents, who will require the interposition of your mace at every instant, to keep the peace amongst them. It does not institute a magnificent auction of finance, where captivated provinces come to general ransom by bidding against each other, until you knock down the hammer, and determine a proportion of payments, beyond all the powers of algebra to equalize and settle.

"The plan which I shall presume to suggest, derives, however, one great advantage from the proposition and registry of that noble lord's project. The idea of conciliation is admissible. First, the house, in accepting the resolution moved by the noble lord, has admitted, notwithstanding the menacing front of our address—notwithstanding our heavy bill of pains and penalties—that we do not think ourselves precluded from all ideas of free grace and bounty.

"The house has gone further; it has declared conciliation admissible, *previous* to any subversion on the part of America. It has even shot a good deal beyond that mark, and has admitted, that the complaints of our former mode of exerting the right of taxation were not wholly unfounded. That right thus exerted is allowed to have had something reprehensible in it, something unwise, or something grievous; since, in the midst of our heat and resentment, we, of ourselves, have proposed a capital alteration; and in order to get rid of what seemed so very exceptionable, have instituted a mode that is altogether new; one that is, indeed, wholly alien from all the ancient methods and forms of parliament.

"The *principle* of this proceeding is large enough for my purpose. The means proposed by the noble lord for carrying his ideas into execution, I think indeed, are very indifferently suited to the end; and this I shall endeavour to show you before I sit down. But, for the present, I take my ground on the admitted principle. I mean to give peace. Peace implies reconciliation; and where there has been a material dispute, reconciliation does in a manner always imply concession on the one part or on the other. In this state of things I make no difficulty in affirming, that the proposal ought to originate from us. Great and acknowledged force is not impaired, either in effect or in opinion, by an unwillingness to exert itself. The superiour power may offer peace with honour and with safety. Such an offer from such a power will be attributed to magnanimity; but the concessions of the weak are the concessions of fear. When such a one is disarmed, he is wholly at the mercy of his superiour; and he loses for ever that time and those chances, which, as they happen to all men, are the strength and resources of all inferior power.

"The capital leading questions on which you must this day decide, are these two. First, whether you ought to concede; and secondly, what your concession ought to be. On the first of these questions we have gained, as I have just taken the liberty of observing to you, some ground. But I am sensible that a good deal more is still to be done. Indeed, sir, to enable us to determine both on the one and the other of these great questions with a firm and precise judgment, I think it may be necessary to consider distinctly, the true nature and the peculiar circumstances of the object which we have before us. Because after all our struggle, whether we will or not, we must govern America, according to that nature, and to those circumstances; and not according to our own imaginations; not according to abstract ideas of right; by no means according to more general theories of government, the resort to which appears to me, in our present situation, no better than arrant trifling. I shall therefore endeavour, with your leave, to lay before you some of the most material of these circumstances, in as full and as clear a manner as I am able to state them.

"The first thing that we have to consider with regard to the nature of the object is—the *number* of people in the colonies. I have taken for some years a good deal of pains on that point. I can by no calculation justify myself, in placing the number below two millions of inhabitants, of our own European blood and colour; besides at least 500,000 others, who form no inconsiderable part of the strength and opulence of the whole. This, sir, is I believe, about the true number. There is no occasion to exaggerate, where plain truth is of so much weight and importance. But whether I put the present numbers too high or too low, is a matter of little moment. Such is the strength with which population shoots in that part of the world, that state the numbers as high as we will, whilst the dispute continues, the exaggeration ends. Whilst we are discussing any given magnitude, they are grown to it. Whilst we spend our time in deliberating on the mode of governing two millions, we shall find we have millions more to manage. Your children do not grow

(1) Lord North's "conciliatory resolution" moved 20 Feb. and agreed to 27 Feb. 1775. *see ant.* p. 159.

faster from infancy to manhood, than they spread from families to communities, and from villages to nations.

"I put this consideration of the present and the growing numbers, in the front of our deliberations; because sir, this consideration will make it evident to a blunter discernment than yours, that no partial, narrow, contracted, pinched, occasional system, will be at all suitable to such an object. It will show you, that it is not to be considered as one of those *minima* which are out of the eye and consideration of the law; not a paltry excrescence of the state; not a mean dependant, who may be neglected with little damage, and provoked with little danger. It will prove, that some degree of care and caution is required in the handling such an object; it will show that you ought not, in reason, to trifle with so large a mass of the interests and feelings of the human race. You could at no time do so without guilt; and be assured, you will not be able to do it long with impunity.

"But the population of this country, the great and growing population, though a very important consideration, will lose so much of its weight, if not combined with other circumstances. The commerce of your colonies is out of all proportion beyond the numbers of the people. This ground of their commerce indeed has been trod some days ago, and with great ability, by a distinguished personage, (1) at your bar. This gentleman, after thirty-five years—it is so long since he first appeared at the same place, to plead for the commerce of Great Britain—has come again before you to plead the same cause, without any other effect of time, than, that to the fire of imagination and extent of erudition, which even then marked him as one of the first literary characters of his age, he has added a consummate knowledge in the commercial interest of his country, formed by a long course of enlightened and discriminating experience.

"Sir, I should be inexcusable in coming after such a person with any detail, if a great part of the members who now fill the house, had not the misfortune to be absent when he appeared at your bar. Besides, sir, I propose to take the matter at periods of time somewhat different from his. There is, if I mistake not, a point of view, from whence if you will look at this subject, it is impossible that it should not make an impression upon you.

"I have in my hand two accounts; one, a comparative state of the export trade of England to its colonies as it stood in the year 1704, and as it stood in the year 1772. The other, a state of the export trade of this country to its colonies alone, as it stood in 1772, compared with the whole trade of England to all parts of the world, the colonies included, in the year 1704. They are from good vouchers; the latter period from the accounts on your table, the earlier from an original manuscript of Davenant, who first established the inspector general's office, which has been ever since his time, so abundant a source of parliamentary information.

"The export trade to the colonies consists of three great branches. The African, which, terminating almost wholly in the colonies, must be put to the account of their commerce; the West Indian, and the North American. All these are so interwoven, that the attempt to separate them, would tear to pieces the contexture of the whole; and if not entirely destroy, would very much depreciate the value of all the parts. I therefore consider these three denominations to be, what in effect they are, one trade.

The trade to the colonies, taken on the *export* side, at the beginning of this century, that is, in the year 1704, stood thus:

Exports to North America, and the West Indies,	- - - - -	L. 483,265
To Africa,	- - - - -	86,665
		<hr/>
		569,930

In the year 1772, which I take as a middle year between the highest and lowest of those lately laid on your table, the account was as follows:

To North America and the West Indies,	- - - - -	L. 4,791,734
To Africa,	- - - - -	866,398
To which if you add the export trade from Scotland, which had in 1704 no existence,		364,000

6,022,132

"From five hundred and odd thousand, it has grown to six millions. It has increased no less than twelve fold. This is the state of the colony trade, as compared with itself at these two peri-

ods, within this century; and this is matter for meditation. But this is not all. Examine my second account. See how the export trade to the colonies alone in 1772 stood in the other point of view, that is, as compared to the whole trade of England in 1704.

The whole export trade of England including that to the colonies, in 1704, is	£. 6,509,000
Exported to the colonies alone, in 1772	6,024,000

Difference 485,000

"The trade with America alone, is now within less than 500,000*l.* of being equal to what this great commercial nation, England, carried on at the beginning of this century with the whole world! If I had taken the largest year of those on your table, it would rather have exceeded. But, it will be said, is not this American trade an unnatural protuberance, that has drawn the juices from the rest of the body? The reverse. It is the very food that has nourished every other part into its present magnitude. Our general trade has been greatly augmented; and augmented more or less in almost every part to which it ever extended; but with this material difference; that of the six millions which, in the beginning of the century, constituted the whole mass of our export commerce, the colony trade was but one twelfth part; it is now (as a part of sixteen millions) considerably more than a third of the whole. This is the relative proportion, of the importance of the colonies at these two periods; and all reasoning concerning our mode of treating them, must have this proportion as its basis, or it is a reasoning, weak, rotten, and sophistical.

"Mr speaker, I cannot prevail on myself to hurry over this great consideration. It is good for us to be here. We stand where we have an immense view of what is, and what is past. Clouds indeed, and darkness, rest upon the future—Let us however, before we descend from this noble eminence reflect, that this growth of our national prosperity has happened within the short period of the life of man. It has happened within sixty-eight years. There are those alive whose memory might touch the two extremities. For instance, my Lord *Bathurst* might remember all the stages of the progress. He was in 1704, of an age at least to be made to comprehend such things. He was then old enough *acta parentum jam legere, et que sit poterit cognoscere virtus*—Suppose, sir, that the angel of this auspicious youth, foreseeing the many virtues, which made him one of the most amiable, as he is one of the most fortunate men of his age, had opened to him in vision, that, when, in the fourth generation, the third prince of the house of Brunswick had sat twelve years on the throne of that nation, which, by the happy issue of moderate and healing councils, was to be made Great Britain; he should see his son, lord chancellor of England, turn back the current of hereditary dignity to its fountain, and raise him to a higher rank of peerage, whilst he enriched the family with a new one. If, amidst these bright and happy scenes of domestic honour and prosperity, that angel should have drawn up the curtain, and unfolded the rising glories of his country, and whilst he was gazing with admiration on the then commercial grandeur of England, the genius should point out to him a little speck, scarce visible in the mass of the national interest—a small seminal principle rather than a formed body—and should tell him—"Young man, there is America, which at this day serves for little more than to amuse you with stories of savage men, and uncouth manners; yet shall, before you taste of death, show itself equal to the whole of that commerce which now attracts the envy of the world. Whatever England has been growing to by a progressive increase of improvement, brought in by varieties of people, by succession of civilizing conquests and civilizing settlements, in a series of seventeen hundred years, you shall see as much added to her by America in the course of a single life!" If this state of his country had been foretold to him, would it not require all the sanguine credulity of youth, and all the fervid glow of enthusiasm, to make him believe it? Fortunate man, he has lived to see it! Fortunate indeed, if he live to see nothing to vary the prospect, and cloud the setting of his day!

"Excuse me, sir, if turning from such thoughts I resume this comparative view once more. You have seen it on a large scale; look at it on a small one. I will point out to your attention a particular instance of it, in the single province of Pennsylvania. In the year 1704, that province called for 11,459*l.* in value of your commodities, native and foreign. This was the whole. What did it demand in 1772? Why nearly fifty times as much; for in that year the export to Pennsylvania was 507,909*l.* nearly equal to the export to all the colonies together in the first period.

"I choose, sir, to enter into these minute and particular details; because generalities, which in all other cases are apt to heighten and raise the subject, have here a tendency to sink it. When we speak of the commerce with our colonies, fiction lags after truth; invention is unfruitful, and imagination cold and barren.

"So far, sir, as to the importance of the object in the view of its commerce, as concerned in the exports from England. If I were to detail the imports, I could show how many enjoyments they procure, which deceive the burden of life; how many materials which invigorate the springs of national industry, and extend and animate every part of our foreign and domestick commerce. This would be a curious subject indeed; but I must prescribe bounds to myself in a matter so vast and various.

"I pass therefore to the colonies in another point of view, their agriculture. This they have prosecuted with such a spirit, that, besides feeding plentifully their own growing multitude, their annual export of grain, comprehending rice, has some years ago exceeded a million in value. Of their last harvest, I am persuaded, they will export much more. At the beginning of the century, some of these colonies imported corn from the mother country. For some time past, the old world has been fed from the new. The scarcity which you have felt would have been a desolating famine, if this child of your old age, with a true filial piety, with a Roman charity, had not put the full breast of its youthful exuberance, to the mouth of its exhausted parent.

"As to the wealth which the colonies have drawn from the sea by their fisheries, you had all that matter fully opened at your bar. You surely thought those acquisitions of value, for they seemed even to excite your envy; and yet the spirit, by which that enterprising employment has been exercised, ought rather, in my opinion, to have raised your esteem and admiration. And pray, sir, what in the world is equal to it? Pass by the other parts, and look at the manner in which the people of New England have of late carried on the whale fishery. Whilst we follow them among the tumbling mountains of ice, and behold them penetrating into the deepest frozen recesses of Hudson's Bay, and Davis's Streights; whilst we are looking for them beneath the arctic circle, we hear that they have pierced into the opposite region of polar cold; that they are at the antipodes, and engaged under the frozen serpent of the south. Falkland island, which seemed too remote and romantick an object for the grasp of national ambition, is but a stage and resting place in the progress of their victorious industry. Nor is the equinoctial heat more discouraging to them, than the accumulated winter of both the poles. We know, that whilst some of them draw the line and strike the harpoon on the coast of Africa, others run the longitude, and pursue their gigantick game along the coast of Brazil. No sea but what is vexed by their fisheries—no climate that is not witness to their toils. Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprise, ever carried this most perilous mode of hardy industry, to the extent to which it has been pushed by this recent people; a people who are still as it were, but in the gristle, and not yet hardened into the bone of manhood. When I contemplate these things; when I know that the colonies in general owe little or nothing to any care of ours, and that they are not squeezed into this happy form, by the constraints of watchful and suspicious government; but that through a wise and salutary neglect, a generous nature has been suffered to take her own way to perfection; when I reflect upon these effects, when I see how profitable they have been to us, I feel all the pride of power sink, and all presumption in the wisdom of human contrivances, melt and die away within me. My rigour relents. I pardon something to the spirit of liberty.

"I am sensible, sir, that all which I have asserted in my detail, is admitted in the gross; but that quite a different conclusion is drawn from it. America, gentlemen say, is a noble object. It is an object well worth fighting for. Certainly it is, fighting a people be the best way of gaining them. Gentlemen in this respect will be led to their choice of means, by their complexions and their habits. Those who understand the military art, will of course have some predilection for it. Those who wield the thunder of the state, may have more confidence in the efficacy of arms. But I confess, possibly for want of this knowledge, my opinion is much more in favour of prudent management, than of force; considering force not as an odious, but a feeble instrument, for preserving a people so numerous, so active, so growing, so spirited as this, in a profitable and subordinate connexion with us.

"First, sir, permit me to observe, that the use of force alone is but temporary. It may subdue for a moment; but it does not remove the necessity of subduing again: and a nation is not governed, which is perpetually to be conquered.

"My next objection, is its uncertainty. Terrour is not always the effect of force; and an armament is not a victory. If you do not succeed, you are without resource; for conciliation failing, force remains; but force failing, no further hope of reconciliation is left. Power and authority are sometimes bought by kindness; but they can never be begged as alms, by an impoverished and defeated violence.

"A further objection to force is, that you *impair the object*, by your very endeavours to preserve it. The thing you fought for, is not the thing which you recover; but depreciated, sunk, wasted, and consumed in the contest. Nothing less will content me, than *whole America*. I do not choose to consume its strength along with our own; because in all parts, it is the British strength that I consume. I do not choose to be caught by a foreign enemy, at the end of this exhausting conflict; and still less in the midst of it. I may escape; but I can make no ensurance against such an event. Let me add, that I do not choose wholly to break the American spirit, because it is the spirit that has made the country.

"Lastly, we have no sort of *experience* in favour of force as an instrument, in the rule of our colonies. Their growth and their utility, has been owing to methods altogether different. Our ancient indulgence has been said to be pursued to a fault. It may be so. But we know, if feeling is evidence, that our fault was more tolerable than our attempt to mend it; and our sin far more salutary than our penitence.

"These, sir, are my reasons for not entertaining that high opinion of untried *force*, by which many gentlemen, for whose sentiments in other particulars I have great respect, seem to be so greatly captivated. But there is still behind, a third consideration concerning this object, which serves to determine my opinion on the sort of policy, which ought to be pursued in the management of America, even more than its population and its commerce: I mean its *temper and character*.

"In this character of the Americans, a love of *freedom* is the predominating feature, which marks and distinguishes the whole: and as an ardent is always a jealous affection, your colonies become suspicious, restive, and untractable, whenever they see the least attempt to wrest from them by force, or shuffle from them by chicane, what they think the only advantage worth living for. This fierce spirit of liberty is stronger in the English colonies probably, than in any other people of the earth; and this, from a great variety of powerful causes, which, to understand the true temper of their minds, and the direction which this spirit takes, it will not be amiss to lay open somewhat more largely.

"First, the people of the colonies are *descendants* of Englishmen. England, sir, is a nation, which still I hope respects, and formerly adored her freedom. The colonists emigrated from you, when this part of your character was most predominant; and they took this bias and direction, the moment they parted from your hands. They are therefore not only devoted to liberty, but to liberty according to English ideas, and on English principles. Abstract liberty, like other mere abstractions, is not to be found. Liberty inheres in some sensible object; and every nation has formed to itself some favourite point, which, by way of eminence, becomes the criterion of their happiness. It happened, you know, sir, that the great contests for freedom in this country were, from the earliest times, chiefly upon the question of *taxing*. Most of the contests in the ancient commonwealths, turned primarily on the right of election of magistrates, or on the balance among the several orders of the state. The question of money was not with them so immediate. But in England it was otherwise. On this point of taxes, the ablest pens and most eloquent tongues have been exercised; the greatest spirits have acted and suffered. In order to give the fullest satisfaction concerning the importance of this point, it was not only necessary for those who, in argument defended the excellence of the English constitution, to insist on this privilege of granting money as a dry point of fact, and to prove, that the right had been acknowledged in ancient parchments and blind usages, to reside in a certain body called a house of commons. They went much further; they attempted to prove, and they succeeded, that in theory it ought to be so, from the particular nature of a house of commons, as an immediate representative of the people, whether the old records had delivered this oracle or not. They took infinite pains to inculcate, as a fundamental principle, that, in all monarchies, the people must in effect themselves, mediately or immediately, possess the power of granting their own money, or no shadow of liberty could subsist. The colonies draw from you, as with their life blood, these ideas and principles. Their love of liberty, as with you, fixed and attached on this specific point of taxing. Liberty might be safe, or might be endangered in twenty other particulars, without their being much pleased or alarmed. Here they felt its pulse; and as they found that beat, they thought themselves sick or sound. I do not say whether they were right or wrong, in applying your general arguments to their own case. It is not easy indeed, to make a monopoly of theorems and corollaries. The fact is, that they did thus apply those general arguments; and your mode of governing them, whether through lenity or indolence, through wisdom or mistake, confirmed them in the imagination, that they, as well as you, had an interest in these common principles.

"They were further confirmed in this pleasing error, by the *form* of their provincial legislative assemblies. Their governments are popular in a high degree; some are merely popular; in all, the popular representative is the most weighty; and this share of the people in their ordinary government, never fails to inspire them with lofty sentiments, and with a strong aversion, from whatever tends to deprive them of their chief importance.

"If any thing were wanting to this necessary operation of the form of government, *religion* would have given it a complete effect. Religion, always a principle of energy, in this new people, is no way worn out or impaired; and their mode of professing it, is also one main cause of this free spirit. The people are protestants; and of that kind, which is the most adverse to all implicit submission of mind and opinion. This is a persuasion, not only favourable to liberty, but built upon it. I do not think, sir, that the reason of this averseness in the dissenting churches, from all that looks like absolute government, is so much to be sought in their religious tenets, as in their history. Every one knows, that the Roman catholic religion is at least coeval, with most of the governments where it prevails; that it has generally gone hand in hand with them; and received great favour, and every kind of support from authority. The church of England too was formed from her cradle, under the nursing care of regular government. But the dissenting interests have sprung up, in direct opposition to all the ordinary powers of the world; and could justify that opposition, only on a strong claim to natural liberty. Their very existence depended, on the powerful and unremitted assertion of that claim. All protestantism, even the most cold and passive, is a sort of dissent. But the religion most prevalent in our northern colonies, is a refinement on the principle of resistance; it is the diffidence of dissent; and the protestantism of the protestant religion. This religion, under a variety of denominations, agreeing in nothing but in the communion of the spirit of liberty, is predominant in most of the northern provinces; where the church of England, notwithstanding its legal rights, is in reality no more than a sort of private sect, not composing most probably, the tenth of the people. The colonists left England when this spirit was high; and in the emigrants was the highest of all: and even that stream of foreigners, which has been constantly flowing into these colonies, has, for the greatest part, been composed of dissenters from the establishments of their several countries, and have brought with them a temper and character, far from alien to that of the people with whom they mixed.

"Sir, I can perceive by their manner, that some gentlemen object to the latitude of this description; because, in the southern colonies, the church of England forms a large body, and has a regular establishment. It is certainly true. There is, however, a circumstance attending these colonies, which, in my opinion, fully counterbalances this difference, and makes the spirit of liberty still more high and haughty, than in those to the northward. It is, that in Virginia and the Carolinas, they have a vast multitude of *slaves*. Where this is the case in any part of the world, those who are free, are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing there, that freedom, as in countries where it is a common blessing, and as broad and general as the air, may be united with much abject toil, with great misery, with all the exterior of servitude; liberty looks, amongst them, like something that is more noble and liberal. I do not mean, sir, to commend the superior morality of this sentiment, which has at least as much pride as virtue in it; but I cannot alter the nature of man. The fact is so; and these people of the southern colonies, are much more strongly and with a higher and more stubborn spirit attached to liberty, than those to the northward. Such were all the ancient commonwealths; such were our Gothick ancestors: such in our days were the Poles; and such will be all masters of slaves, who are not slaves themselves. In such a people, the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it invincible.

"Permit me, sir, to add another circumstance in our colonies, which contributes no mean part towards the growth and effect of this untractable spirit. I mean their *education*. In no country perhaps in the world, is the law so general a study. The profession itself is numerous and powerful; and in most provinces it takes the lead. The greater number of the deputies sent to congress were lawyers. But all who read, and most do read, endeavour to obtain some smattering in that science. I have been told by an eminent bookseller, that in no branch of his business, after tracts of popular devotion, were so many books as those on the law, exported to the plantations. The colonists have now fallen into the way of printing them for their own use. I hear that they have sold nearly as many of Blackstone's Commentaries in America as in England. General Gage marks out this disposition very particularly, in a letter on your table. He states, that all the

people in his government are lawyers, or smatterers in law; and that in Boston, they have been enabled by successful chicanery, wholly to evade many parts of one of your capital penal constitutions. The smartness of debate will say, that this knowledge ought to teach them more clearly the rights of legislature, their obligations to obedience, and the penalties of rebellion. All this is mighty well. But my honourable and learned friend (1) on the floor, who condescends to mark what I say for animadversion, will disdain that ground. He has heard, as well as I, that when great honours and great emoluments, do not win over this knowledge to the service of the state, it is a formidable adversary to government. If the spirit be not tamed and broken by these happy methods, it is stubborn and litigious. *Abeunt studia in mores.* This study renders men acute, inquisitive, dexterous, prompt in attack, ready in defence, full of resources. In other countries, the people, more simple and of a less mercurial cast, judge of an ill principle in government only by an actual grievance. Here they anticipate the evil, and judge of the pressure of the grievance by the badness of the principle. They augur misgovernment at a distance, and snuff the approach of tyranny, in every tainted breeze.

"The last cause of this disobedient spirit in the colonies, is hardly less powerful than the rest, as it is not merely moral, but laid deep in the natural constitution of things. Three thousand miles of ocean lie between you and them. No contrivance can prevent the effect of this distance, in weakening government. Seas roll and months pass, between the order and the execution; and the want of a speedy explanation of a single point, is enough to defeat a whole system. You have, indeed, winged ministers of vengeance, who carry your bolts in their pounces to the remotest verge of the sea. But there a power steps in, that limits the arrogance of raging passions and furious elements, and says: 'So far shalt thou go and no farther.' Who are you, that should fret and rage, and bite the chains of nature? Nothing worse happens to you, than does to all nations who have extensive empire; and it happens in all the forms into which empire can be thrown. In large bodies, the circulation of power must be less vigorous at the extremities. Nature has said it. The Turk cannot govern Egypt, and Arabia, and Curdistan, as he governs Thrace; nor has he the same dominion in Crimea and Algiers, which he has at Brusa and Smyrna. Despotism itself is obliged to truck and huckster. The Sultan gets such obedience as he can. He governs with a loose rein, that he may govern at all; and the whole of the force and vigour of his authority in his centre, is derived from a prudent relaxation in all his borders. Spain, in her provinces, is, perhaps, not so well obeyed as you are in yours. She complies too; she submits; she watches times. This is the immutable condition, the eternal law, of extensive and detached empire.

"Then, sir, from these six capital sources of descent, of form of government, of religion in the northern provinces, of manners in the southern, of education, of the remoteness of situation from the first mover of government; from all these causes, a fierce *spirit of liberty* has grown up. It has grown with the growth of the people in your colonies, and increased with the increase of their wealth; a spirit, that unhappily meeting with an exercise of power in England, which, however lawful, is not reconcileable to any ideas of liberty, much less with theirs, has kindled this flame, that is ready to consume us.

"I do not mean to commend either the spirit in this excess, or the moral causes which produce it. Perhaps a more smooth and accommodating spirit of freedom in them, would be more acceptable to us. Perhaps ideas of liberty might be desired, more reconcileable with an arbitrary and boundless authority. Perhaps we might wish the colonists to be persuaded, that their liberty is more secure, when held in trust for them by us as guardians during a perpetual minority, than with any part of it in their own hands. But the question is, not whether their *spirit* deserves praise or blame. *What, in the name of God, shall we do with it?* You have before you the object, such as it is, with all its glories, with all its imperfections on its head. You see the magnitude, the importance, the temper, the habits, the disorders. By all these considerations, we are strongly urged to determine something concerning it. We are called upon to fix *some* rule and line, for our future conduct, which may give a little stability to our politics, and prevent the return of such unhappy deliberations as the present. Every such return, will bring the matter before us in a still more untractable form. For, what astonishing and incredible things have we not seen already? What monsters have not been generated from this unnatural contention? Whilst every principle of authority and resistance, has been pushed upon both sides as far as it would go, there is nothing so solid and certain, either in reasoning or in practice, that has not been shaken. Until very

lately, all authority in America seemed to be nothing but an emanation from yours. Even the popular part of the colony constitution derived all its activity, and its first vital movement, from the pleasure of the crown. We thought, sir, that the utmost which the discontented colonists could do, was to disturb authority. We never dreamt they could of themselves supply it, knowing in general what an operose business it is, to establish a government absolutely new. But having, for our purposes in this contention, resolved, that none but an obedient assembly should sit, the humours of the people there, finding all passage through the legal channel stopped, with great violence broke out another way. Some provinces have tried their experiment, as we have tried ours; and theirs has succeeded. They have formed a government sufficient for its purposes, without the bustle of a revolution, or the troublesome formality of an election. Evident necessity, and tacit consent, have done the business in an instant. So well have they done it, that lord *Dunmore* (the account is among the fragments on your table) tells you, that the new institution is infinitely better obeyed, than the ancient government ever was in its most fortunate periods. Obedience is what makes government, and not the names by which it is called; not the name of government, as formerly, or committee, as at present. This new government, has originated directly from the people; and was not transmitted through any of the ordinary artificial media, of a positive constitution. It was not a manufacture ready formed, and transmitted to them in that condition from England. The evil arising from hence is this; that the colonists having once found the possibility of enjoying the advantages of order, in the midst of a struggle for liberty; such struggles will not henceforward seem so terrible, to the settled and sober part of mankind, as they had appeared before the trial.

"Pursuing the same plan of punishing, by the denial of the exercise of government, to still greater lengths; we wholly abrogated the ancient government of Massachusetts. We were confident, that the first feeling, if not the very prospect of anarchy, would instantly enforce a complete submission. The experiment was tried. A new, strange, unexpected face of things appeared. Anarchy is found tolerable. A vast province has now subsisted, and subsisted in a considerable degree of health and vigour for near a twelvemonth, without governor, without publick council, without judges, without executive magistrates. How long it will continue in this state, or what may arise out of this unheard of situation, how can the wisest of us conjecture? Our late experience has taught us, that many of those fundamental principles, formerly believed infallible; are either not of the importance they were imagined to be, or that we have not at all adverted to some other, far more important and far more powerful principles, which entirely overrule those we had considered as omnipotent. I am much against any further experiments, which tend to put to the proof any more of these allowed opinions, which contribute so much to the publick tranquillity. In effect, we suffer as much at home by this loosening of all ties, and this concussion of all established opinions, as we do abroad. For, in order to prove that the Americans have no right to their liberties, we are every day endeavouring to subvert the maxims, which preserve the whole spirit of our own. To prove that the Americans ought not to be free, we are obliged to depreciate the value of freedom itself; and we never seem to gain a paltry advantage over them in debate, without attacking some of those principles, or deriding some of those feelings, for which our ancestors have shed their blood.

"But, sir, in wishing to put an end to pernicious experiments, I do not mean to preclude the fullest inquiry. Far from it. Far from deciding on a sudden or partial view, I would patiently go round and round the subject, and survey it minutely in every possible aspect. Sir, if I were capable of engaging you to an equal attention, I would state, that, as far as I am capable of discerning, there are but *three* ways of proceeding, relative to this stubborn spirit which prevails in your colonies, and disturbs your government. These are—to *change* that spirit, as inconvenient, by *removing the causes*; to *prosecute it as criminal*; or, to *comply with it as necessary*. I would not be guilty of an imperfect enumeration. I can think of but these three. Another has indeed been started, that of *giving up* the colonies; but it met so slight a reception, that I do not think myself obliged to dwell a great while upon it. It is nothing but a little sally of anger, like the frowardness of peevish children, who, when they cannot get all they would have, are resolved to take nothing.

"The first of these plans, to *change the spirit* (1) as inconvenient, by removing the causes, I think is the most like a systematick proceeding. It is radical in its principle; but it is attended with great difficulties, some of them little short, as I conceive, of impossibilities. This will appear, by examining into the plans which have been proposed.

(1) *Of liberty.*

"As the growing *population* of the colonies, is evidently one cause of their resistance, it was last session mentioned in both houses by men of weight, and received, not without applause, that, in order to check this evil, it would be proper for the crown, to make no further grants of *land*. But to this scheme, there are two objections. The first, that there is already so much unsettled land in private hands, as to afford room for an immense future population, although the crown not only withheld its grants, but annihilated its soil. If this be the case, then the only effect of this avarice of desolation, this hoarding of a royal wilderness, would be to raise the value of the possessions in the hands of the great private monopolists, without any adequate check to the growing and alarming mischief of population.

"But if you stopped your grants, what would be the consequence? The people would occupy without grants. They have already so occupied in many places. You cannot station garrisons in every part of these deserts. If you drive the people from one place, they will carry on their annual tillage, and remove with their flocks and herds to another. Many of the people in the back settlements are, already, little attached to particular situations. Already they have topped the Appalachian mountains. From thence they behold before them an immense plain, one vast, rich, level meadow; a square of five hundred miles. Over this they would wander, without a possibility of restraint; they would change their manners with the habits of their life; would soon forget a government by which they were disowned; would become hordes of *English* Tartars; and, pouring down upon your unfortified frontiers a fierce and irresistible cavalry, become masters of your governors and your councillors, your collectors and comptrollers, and of all the slaves that adhered to them. Such would, and in no long time must be, the effect of attempting to forbid as a crime, and to suppress as an evil, the command and blessing of Providence, 'Increase and multiply.' Such would be the happy result of an endeavour, to keep as a lair of wild beasts, that earth, which God, by an express charter, has given to the children of men. Far different, and surely much wiser, has been our policy hitherto. Hitherto we have invited our people by every kind of bounty, to fixed establishments. We have invited the husbandman to look to authority for his title. We have taught him piously to believe, in the mysterious virtue of wax and parchment. We have thrown each tract of land, as it was peopled, into districts, that the ruling power should never be wholly out of sight. We have settled all we could; and we have carefully attended every settlement with government.

"Adhering, sir, as I do, to this policy, as well as for the reasons I have just given, I think this new project of hedging in population, to be neither prudent nor practicable.

"To *impoverish* the colonies in general, and in particular to arrest the noble course of their *marine* enterprises, would be a more easy task. I freely confess it. We have shown a disposition to a system of this kind; a disposition even to continue the restraint after the offence, looking on ourselves as rivals to our colonies, and persuaded that of course we must gain all that they shall lose. Much mischief we may certainly do. The power inadequate to all other things, is often more than sufficient for this. I do not look on the direct and immediate power of the colonies to resist our violence, as very formidable. In this, however, I may be mistaken. But when I consider, that we have colonies for no purpose but to be serviceable to us, it seems to my poor understanding a little preposterous, to make them unserviceable, in order to keep them obedient. It is, in truth, nothing more than the old, and, as I thought, exploded problem of tyranny, which proposes to beggar its subjects into submission. But, remember, when you have completed your system of impoverishment, that nature still proceeds in her ordinary course; that discontent will increase with misery; and that there are critical moments in the fortune of all states, when they, who are too weak to contribute to your prosperity, may be strong enough to complete your ruin. *Spoliatis arma supersunt.*

"The temper and *character*, which prevail in our colonies, are, I am afraid, unalterable by any human art. We cannot, I fear, falsify the pedigree of this fierce people, and persuade them that they are not sprung from a nation, in whose veins the blood of freedom circulates. The language in which they would hear you tell them this tale, would detect the imposition. Your speech would betray you. An Englishman is the unfittest person on earth, to argue another Englishman into slavery.

"I think it is nearly as little in our power to change their republican *religion*, as their free descent; or to substitute the Roman catholic as a penalty, or the church of England as an improvement. The mode of inquisition and dragooning, is going out of fashion in the old world; and I should not confide much to their efficacy in the new. The *education* of the Americans, is also on the same unalterable bottom with their religion. You cannot persuade them to burn their books.

of curious science ; to banish their lawyers from their courts of law ; or to quench the lights of their assemblies, by refusing to choose those persons who are best read in their privileges. It would be no less impracticable to think, of wholly annihilating the popular assemblies, in which these lawyers sit. The army, by which we must govern in their place, would be far more chargeable to us ; not quite so effectual ; and perhaps, in the end, full as difficult to be kept in obedience.

"With regard to the high aristocratick spirit of Virginia and the southern colonies, it has been proposed, I know, to reduce it, by declaring a general enfranchisement of their *slaves*. This project has had its advocates and panegyrists ; yet I never could argue myself into an opinion of it. *Slaves* are often much attached to their masters. A general wild offer of liberty, would not always be accepted. History furnishes few instances of it. It is sometimes as hard to persuade slaves to be free, as it is to compel freemen to be slaves ; and in this auspicious scheme, we should have both these pleasing tasks on our hands at once. But when we talk of enfranchisement, do we not perceive that the American master may enfranchise too ; and arm servile hands in defence of freedom—a measure to which other people have had recourse more than once, and not without success, in a desperate situation of their affairs.

"*Slaves* as these unfortunate black people are, and dull as all men are from slavery, must they not a little suspect the offer of freedom from that very nation, which has sold them to their present masters ? From that nation, one of whose causes of quarrel with those masters, is their refusal to deal any more in that inhuman traffick ? (1) An offer of freedom from England, would come rather oddly, shipped to them in an African vessel, which is refused an entry into the ports of Virginia or Carolina, with a cargo of three hundred Angola negroes. It would be curious to see the Guinea captain attempt at the same instant, to publish his proclamation of liberty, and to advertise his sale of slaves.

"But let us suppose all these moral difficulties got over. The *ocean* remains. You cannot pump this dry ; and as long as it continues in its present bed, so long all the causes which weaken authority by distance, will continue. 'Ye gods, annihilate but space and time, and make two lovers happy !'—was a pious and passionate prayer ;—but just as reasonable, as many of these serious wishes of very grave and solemn politicians.

"If then, sir, it seems almost desperate to think of any alternative course, for *changing* the moral causes (and not quite easy to remove the natural), which produce prejudices irreconcilable to the late exercise of our authority ; but that the *spirit* infallibly will continue ; and, continuing, will produce such effects, as now embarrass us ; the *second* mode under consideration is, to prosecute that spirit in its overt acts, as *criminal*.

"At this proposition I must pause a moment. The thing seems a great deal too big for my ideas of jurisprudence. It should seem, to my way of conceiving such matters, that there is a very wide difference in reason and policy, between the mode of proceeding on the irregular conduct of scattered individuals, or even of bands of men, who disturb order within the state, and the civil dissensions which may, from time to time, on great questions, agitate the several communities which compose a great empire. It looks to me to be narrow and pedantick, to apply the ordinary ideas of criminal justice to this great publick contest. I do not know the method of drawing up an indictment, against a whole people. I cannot insult and ridicule the feelings of millions of my fellow creatures, as sir Edward Coke insulted one excellent individual (2) at the bar. I am not ripe to pass sentence on the gravest publick bodies, intrusted with magistracies of great authority and dignity, and charged with the safety of their fellow citizens, upon the very same title that I am. I really think, that for wise men, this is not judicious ; for sober men, not decent ; for minds tinctured with humanity, not mild and merciful.

"Perhaps, sir, I am mistaken in my idea of an empire, as distinguished from a single state or kingdom. But my idea of it is this ; that an empire is the aggregate of many states, under one common head, whether this head be a monarch, or a presiding republick. It does, in such constitutions, frequently happen, (and nothing but the dismal, cold, dead uniformity of servitude, can prevent its happening), that the subordinate parts have many local privileges and immunities. Between these privileges, and the supreme common authority, the line may be extremely nice. Of course disputes, often too, very bitter disputes and much ill blood, will arise. But though every privilege is an exemption, in the case, from the ordinary exercise of the supreme authority, it is no denial of it. The claim of a privilege seems rather, *ex vi termini*, to imply a superior

(1) See p. 94 Aug. 5. (2) *Vid.* 1. *St. Tri.* 212. *an. Jac.* 1. Nov. 17, 1603. *Trial of Sir Walter Raleigh for treason ; on which Coke the atty. Gen. behaved to him, with indecent barbarity.*

power. For to talk of the privileges of a state or of a person, who has no superiour, is hardly any better than speaking nonsense. Now, in such unfortunate quarrels, among the component parts of a great political union of communities, I can scarcely conceive any thing more completely imprudent, than for the head of the empire to insist, that, if any privilege is pleaded against his will, or his acts, that his whole authority is denied; instantly to proclaim rebellion, to beat to arms, and to put the offending provinces under the ban. Will not this, sir, very soon teach the provinces to make no distinctions on their part? Will it not teach them that the government, against which a claim of liberty is tantamount to high treason, is a government to which submission is equivalent to slavery? It may not always be quite convenient to impress dependent communities, with such an idea.

"We are, indeed, in all disputes with the colonies, by the necessity of things, the judge. It is true, sir, but I confess that the character of judge in my own cause, is a thing that frightens me. Instead of filling me with pride, I am exceedingly humbled by it. I cannot proceed with a stern, assured, judicial confidence, until I find myself in something more like a judicial character. I must have these hesitations as long as I am compelled to recollect, that, in my little reading upon such contests as these, the sense of mankind has, at least, as often decided against the superiour as the subordinate power. Sir, let me add too, that the opinion of my having some abstract right in my favour, would not put me much at my ease in passing sentence, unless I could be sure that there were no rights which, in their exercise under certain circumstances, were not the most odious of all wrongs, and the most vexatious of all injustice. Sir, these considerations have great weight with me, when I find things so circumstanced, that I see the same party, at once a civil litigant against me in point of right, and a culprit before me; while I sit as criminal judge, on acts of his, whose moral quality is to be decided on, upon the merits of that very litigation. Men are every now and then put, by the complexity of human affairs, into strange situations; but justice is the same, let the judge be in what situation he will.

"There is, sir, also a circumstance which convinces me, that this mode of criminal proceeding is not, at least in the present stage of our contest, altogether expedient; which is nothing less than the conduct of those very persons who have seemed to adopt that mode, by lately declaring a rebellion in Massachusetts bay, as they had formerly addressed, to have traitors brought hither, under an act of Henry Eighth, for trial. For though rebellion is declared, it is not proceeded against as such; nor have any steps been taken towards the apprehension or conviction of any individual offender, either on our late or our former address; but modes of publick coercion have been adopted, and such as have much more resemblance to a sort of qualified hostility towards an independent power, than the punishment of rebellious subjects. All this seems rather inconsistent; but it shows how difficult it is to apply these juridical ideas to our present case.

"In this situation, let us seriously and coolly ponder. What is it we have got by all our menaces, which have been many and ferocious? What advantage have we derived from the penal laws we have passed, and which, for the time, have been severe and numerous? What advances have we made towards our object, by the sending of a force, which, by land and sea, is no contemptible strength? Has the disorder abated? Nothing less.—When I see things in this situation, after such confident hopes, bold promises, and active exertions; I cannot for my life avoid a suspicion, that the plan itself is not correctly right.

"If then the removal of the causes of this spirit of American liberty be, for the greater part, or rather entirely, impracticable; if the ideas of criminal process be inapplicable, or, if applicable, are in the highest degree inexpedient, what way yet remains? No way is open, but the *third* and last—to comply with the American spirit as necessary, or, if you please, to submit to it as a necessary evil.

"If we adopt this mode, if we mean to conciliate and concede, let us see of what nature the concession ought to be. To ascertain the nature of our concession, we must look at their complaint. The colonies complain, that they have not the characteristick mark and seal of British freedom. They complain, that they are taxed in parliament, in which they are not represented. If you mean to satisfy them at all, you must satisfy them with regard to *this* complaint. If you mean to please any people, you must give them the boon which they ask; not what you may think better for them, but of a kind totally different. Such an act may be a wise regulation, but it is no concession; whereas our present theme is, the mode of giving satisfaction.

"Sir, I think you must perceive, that I am resolved this day to have nothing at all to do with the question of the *right* of taxation. Some gentlemen startle—but it is true. I put it totally out of the question. It is less than nothing in my consideration. I do not indeed wonder, nor will you,

sir, that gentlemen of profound learning are fond of displaying it, on this profound subject. But my consideration is narrow, confined, and wholly limited to the *policy* of the question. I do not examine, whether the giving away a man's money be a power excepted and reserved, out of the general trust of government; and how far all mankind, in all forms of polity, are entitled to an exercise of that right, by the charter of nature. Or whether, on the contrary, a right of taxation is necessarily involved in the general principle of legislation, and inseparable from the ordinary supreme power. These are deep questions, where great names militate against each other; where reason is perplexed; and an appeal to authorities only thickens the confusion. For high and reverend authorities lift up their heads on both sides; and there is no sure footing in the middle. This point is the '*great Serbonian bog, betwixt Damietta and Mount Casius old, where armies whole have sunk.*' I do not intend to be overwhelmed in that bog, though in such respectable company. The question with me is, not whether you have a right to render your people miserable; but whether it is not your interest to make them happy. It is not, what a lawyer tells me I *may* do; but what humanity, reason, and justice, tell me I *ought* to do. Is a politic act the worse for being a generous one? Is no concession proper, but that which is made from want of right, to keep what you grant? Or does it lessen the grace or dignity of relaxing in the exercise of an odious claim, because you have your evidence room full of titles, and your magazines stuffed with arms to enforce them? What signify all those titles, and all those arms? Of what avail are they, when the reason of the thing tells me, that the assertion of my title is the loss of my suit; and that I could do nothing but wound myself, by the use of my own weapons?

"Such is stedfastly my opinion of the absolute necessity, of keeping up the concord of this empire by a unity of spirit, though in a diversity of operations, that, if I were sure the colonists had, at their leaving this country, sealed a regular compact of servitude; that they had solemnly abjured all the rights of citizens; that they had made a vow, to renounce all ideas of liberty for them and their posterity to all generations, yet I should hold myself obliged to conform to the temper I found universally prevalent in my own day, and to govern two millions of men, impatient of servitude, on the principles of freedom. I am not determining a point of law. I am restoring tranquillity; and the general character and situation of a people must determine, what sort of government is fitted for them. That point nothing else can or ought to determine.

"My idea, therefore, without considering whether we yield as matter of right, or grant as matter of favour, is to admit the people of our colonies into an interest in the constitution; and, by recording that admission in the journals of parliament, to give them as strong an assurance as the nature of the thing will admit, that we mean forever to adhere, to that solemn declaration of systematick indulgence.

"Some years ago, the *repeal* of a revenue act, upon its understood principle, might have served to show, that we intended an unconditional abatement of the exercise of a taxing power. Such a measure was then sufficient to remove all suspicion, and to give perfect content. But unfortunate events, since that time, may make something further necessary, and not more necessary for the satisfaction of the colonies, than for the dignity and consistency of our own future proceedings.

"I have taken a very incorrect measure of the disposition of the house, if this proposal in itself would be received with dislike. I think, sir, we have few American financiers. But our misfortune is, we are too acute, we are too exquisite in our conjectures of the future, for men oppressed with such great and present evils. The more moderate among the opposers of parliamentary concession freely confess, that they hope no good from taxation; but they apprehend the colonists have further views; and if this point were conceded, they would instantly attack the *trade laws*. These gentlemen are convinced, that this was the intention from the beginning. And the quarrel of the Americans with *taxation*, was no more than a cloak and cover to this design. Such has been the language even of a gentleman (1) of real moderation, and of a natural temper well adjusted to fair and equal government. I am, however, sir, not a little surprised at this kind of discourse, whenever I hear it; and I am the more surprised, on account of the arguments which I constantly find in company with it, and which are often urged from the same mouths, and on the same day.

"For instance, when we allege, that it is against reason to tax a people under so many restraints in trade as the Americans, the noble lord (2) in the blue ribbon shall tell you, that the restraints on trade are futile and useless; of no advantage to us, and of no burden to those on

(1) *Mr. Rice.*(2) *Lord North.*

whom they are imposed ; that the trade of America is not secured by the acts of navigation, but by the natural and irresistible advantage of a commercial preference.

"Such is the merit of the trade laws in this posture of the debate. But when strong internal circumstances are urged against the taxes ; when the scheme is dissected ; when experience and the nature of things are brought to prove, and do prove, the utter impossibility of obtaining an effective revenue from the colonies ; when these things are pressed, or rather press themselves, so as to drive the advocates of colony taxes, to a clear admission of the futility of the scheme ; then, sir, the sleeping trade laws revive from their trance ; and this useless taxation is to be kept sacred, not for its own sake, but as a counterguard and security of the laws of trade.

"Then, sir, you keep up revenue laws which are mischievous, in order to preserve trade laws that are useless. Such is the wisdom of our plan in both its members. They are separately given up as of no value, and yet one is always to be defended for the sake of the other. But I cannot agree with the noble lord, nor with the pamphlet from whence he seems to have borrowed these ideas, concerning the utility of the trade laws. For, without idolizing them, I am sure they are still, in many ways, of great use to us ; and in former times, they have been of the greatest. They do confine, and they do greatly narrow the market for the Americans. But my perfect conviction of this, does not help me in the least to discern how the revenue laws form any security whatsoever, to the commercial regulations ; or that these commercial regulations are the true ground of the quarrel ; or, that the giving way in any one instance of authority, is to lose all that may remain unconceded.

"One fact is clear and indisputable. The publick and avowed origin of this quarrel, was on taxation. This quarrel has indeed brought on new disputes on new questions ; but certainly the least bitter, and the fewest of all, on the trade laws. To judge which of the two be the real, radical cause of quarrel, we have to see whether the commercial dispute did, in order of time precede the dispute on taxation ? There is not a shadow of evidence for it. Next, to enable us to judge whether at this moment a dislike to the trade laws be the real cause of quarrel, it is absolutely necessary to put the taxes out of the question by a repeal. See how the Americans act in this position, and then you will be able to discern correctly, what is the true object of the controversy, or whether any controversy at all will remain ? Unless you consent to remove this cause of difference, it is impossible, with decency, to assert that the dispute is not upon what it is avowed to be. And I would, sir, recommend to your serious consideration, whether it be prudent to form a rule for punishing people, not on their own acts, but on your conjectures ? Surely it is preposterous at the very best. It is not justifying your anger, by their misconduct ; but it is converting your ill will, into their delinquency.

"But the colonies will go further.—Alas ! alas ! when will this speculating against fact and reason end ? What will quiet these panick fears which we entertain, of the hostile effect of a conciliatory conduct ? Is it true, that no case can exist, in which it is proper for the sovereign to accede to the desires, of his discontented subjects ? Is there any thing peculiar in this case, to make a rule for itself ? Is all authority of course lost, when it is not pushed to the extreme ? Is it a certain maxim, that, the fewer causes of dissatisfaction are left by government, the more the subject will be inclined to resist and rebel ?

"All these objections being in fact no more than suspicions, conjectures, divinations, formed in defiance of fact and experience, they did not, sir, discourage me from entertaining the idea of a conciliatory concession, founded on the principles which I have just stated.

"In forming a plan for this purpose, I endeavoured to put myself in that frame of mind, which was the most natural, and the most reasonable ; and which was certainly the most probable means of securing me from all error. I set out with a perfect distrust of my own abilities ; a total renunciation of every speculation of my own ; and with a profound reverence for the wisdom of our ancestors, who have left us the inheritance of so happy a constitution, and so flourishing an empire, and what is a thousand times more valuable, the treasury of the maxims and principles which formed the one, and obtained the other.

"During the reigns of the kings of Spain of the Austrian family, whenever they were at a loss in the Spanish councils, it was common for their statesmen to say, that they ought to consult the genius of Philip the Second. The genius of Philip the Second might mislead them ; and the issue of their affairs showed, that they had not chosen the most perfect standard. But, sir, I am sure that I shall not be misled, when, in a case of constitutional difficulty, I consult the genius, of the English constitution. Consulting at that oracle (it was with all due humility and piety), I

found four capital examples, in a similar case before me: those of Ireland, Wales, Chester, and Durham.

"*Ireland*, before the English conquest, though never governed by a despotick power, had no parliament. How far the English parliament itself was, at that time, modelled according to the present form, is disputed among antiquarians. But we have all the reason in the world to be assured, that a form of parliament, such as England then enjoyed, she instantly communicated to Ireland; and we are equally sure that almost every successive improvement, in constitutional liberty, as fast as it was made here, was transmitted thither. The feudal baronage, and the feudal knighthood, the roots of our primitive constitution, were early transplanted into that soil; and grew and flourished there. Magna Charta, if it did not give us originally the house of commons, gave us, at least, a house of commons of weight and consequence. But your ancestors did not, churlishly, sit down alone to the feast of Magna Charta. Ireland was made immediately a partaker. This benefit of English laws and liberties, I confess, was not at first extended to *all* Ireland. Mark the consequence. English authority and English liberty had exactly the same boundaries. Your standard could never be advanced an inch before your privileges. Sir John Davis shows beyond a doubt, that the refusal of a general communication of these rights, was the true cause why Ireland was five hundred years in subduing; and after the vain projects of a military government, attempted in the reign of queen Elizabeth, it was soon discovered, that nothing could make that country English, in civility and allegiance, but your laws and your forms of legislature. It was not English arms, but the English constitution, that conquered Ireland. From that time, Ireland has ever had a general parliament, as she had before a partial parliament. You changed the people; you altered the religion; but you never touched the form or the vital substance, of free government in that kingdom. You deposed kings; you restored them; you altered the succession to theirs, as well as to your own crown; but you never altered their constitution; the principle of which was respected by usurpation; restored with the restoration of monarchy, and established, I trust, for ever, by the glorious revolution. This has made Ireland the great and flourishing kingdom that it is; and from a disgrace and a burden intolerable to this nation, has rendered her a principal part of our strength and ornament. This country cannot be said to have ever formally taxed her. The irregular things done in the confusion of mighty troubles, and on the hinge of great revolutions, even if all were done that is said to have been done, form no example. If they have any effect in argument, they make an exception to prove the rule. None of your own liberties could stand a moment, if the casual deviations from them, at such times, were suffered to be used as proofs of their nullity. By the lucrative amount of such casual breaches in the constitution, judge what the stated and fixed rule of supply has been in that kingdom. Your Irish pensioners would starve, if they had no other fund to live on, than taxes granted by English authority. Turn your eyes to those popular grants from whence all your great supplies are come; and learn to respect that only source of publick wealth in the British empire.

"My next example is *Wales*. This country was said to be reduced by Henry the Third. It was said more truly to be so by Edward the First. But though then conquered, it was not looked upon as any part of the realm of England. Its old constitution, whatever that might have been, was destroyed, and no good one was substituted in its place. The care of that tract was put into the hands of lords marchers—a form of government of a very singular kind; a strange heterogeneous monster, something between hostility and government; perhaps it has a sort of resemblance, according to the modes of those times, to that of commander in chief at present, to whom all civil power is granted as secondary. The manners of the Welsh nation, followed the genius of the government. The people were ferocious, restive, savage, and uncultivated; sometimes composed, never pacified. Wales within itself, was in perpetual disorder; and it kept the frontier of England in perpetual alarm. Benefits from it to the state there were none. Wales was only known to England by incursion and invasion.

"Sir, during that state of things, parliament was not idle. They attempted to subdue the fierce spirit of the Welsh, by all sorts of rigorous laws. They prohibited by statute the sending all sorts of arms into Wales, as you prohibit by *proclamation* (with something more of doubt on the legality), the sending arms to America. They disarmed the Welsh by statute, as you attempted (but still with more question on the legality) to disarm New England by an *instruction*. They made an act to drag offenders from Wales into England for trial, as you have done (but with more hardship) with regard to America. By another act, where one of the parties was an Englishman, they ordained, that his trial should be always by English. They made acts to restrain trade,

as you do ; and they prevented the Welsh from the use of fairs and markets, as you do the Americans from fisheries and foreign ports. In short, when the statute book was not quite so much swelled as it is now, you find no less than fifteen acts of penal regulation, on the subject of Wales.

"Here we rub our hands.—A fine body of precedents for the authority of parliament, and the use of it ! I admit it fully ; and pray add likewise to these precedents, that all the while, Wales rid this kingdom like an *incubus* ; that it was an unprofitable and oppressive burden ; and that an Englishman travelling in that country, could not go six yards from the high road without being murdered.

"The march of the human mind is slow. Sir, it was not until after two hundred years discovered, that by an eternal law, Providence had decreed vexation to violence, and poverty to rapine. Your ancestors did however at length, open their eyes to the ill husbandry of injustice. They found that the tyranny of a free people could, of all tyrannies, the least be endured ; and that laws made against a whole nation, were not the most effectual methods for securing its obedience. Accordingly, in the twenty-seventh year of Henry VIII. the course was entirely altered. With a preamble stating the entire and perfect rights of the crown of England, it gave to the Welsh all the rights and privileges of English subjects. A political order was established ; the military power gave way to the civil ; the marches were turned into counties. But that a nation should have a right to English liberties, and yet no share at all in the fundamental security of these liberties, the grant of their own property, seemed a thing so incongruous, that eight years after, that is, in the thirty-fifth of that reign, a complete, and not ill proportioned representation, by counties and boroughs, was bestowed upon Wales by act of parliament. From that moment, as by a charm, the tumults subsided ; obedience was restored ; peace, order, and civilization followed in the train of liberty. When the day star of the English constitution, had arisen in their hearts, all was harmony within and without—

Simul alba nautis

Stella refulsit,

Defluit saxis agitatus humor :

Concidunt venti, fugiuntque nubes :

Et minax (quod sic voluere) ponto

Unda recumbit.

"The very same year the county palatine of *Chester*, received the same relief from its oppressions, and the same remedy to its disorders. Before this time, *Chester* was little less distempered than *Wales*. The inhabitants, without rights themselves, were the fittest to destroy the rights of others ; and from thence *Richard II.* drew the standing army of archers, with which for a time he oppressed *England*. The people of *Chester* applied to parliament in a petition, penned as I shall read to you.

"To the king our sovereign lord, in most humble wise shown unto your excellent majesty, the inhabitants of your grace's county palatine of *Chester* ; That whereas the said county palatine of *Chester* is and hath been always hitherto exempt, excluded and separated out and from your high court of parliament, to have any knights and burgesses within the said court ; by reason whereof the said inhabitants, have hitherto sustained manifold disherisons, losses and damages, as well in their lands, goods, and bodies, as in the good, civil, and politick governance and maintenance of the commonwealth of their said country : 2. And for as much as the said inhabitants have always hitherto, been bound by the acts and statutes made and ordained by your said highness, and your most noble progenitors, by authority of the said court, as far forth as other counties, cities, and boroughs have been, that have had their knights and burgesses within your said court of parliament, and yet have had neither knight nor burgess there for the said county palatine ; the said inhabitants, for lack thereof, have been oftentimes touched and grieved with acts and statutes made within the said court, as well derogatory unto the most ancient jurisdictions, liberties, and privileges of your said county palatine, as prejudicial unto the commonwealth, quietness, rest, and peace of your grace's most bounden subjects inhabiting within the same."

"What did parliament with this audacious address ? Reject it as a libel ? Treat it as an affront to government ? Spurn it as a derogation from the rights of legislature ? Did they toss it over the table ? Did they burn it by the hands of the common hangman ?—They took the petition of grievance, all rugged as it was, without softening or temperment, unpurged of the original bitterness and indignation of complaint ; they made it the very preamble to their act of redress ; and consecrated its principle to all ages in the sanctuary of legislation.

"Here is my third example. It was attended with the success of the two former. *Chester*,

civilized as well as Wales, has demonstrated that freedom, and not servitude, is the cure of anarchy; as religion, and not atheism, is the true remedy for superstition. Sir, this pattern of Chester was followed in the reign of Charles II. with regard to the county palatine of *Durham*, which is my fourth example. This county had long lain out of the pale of free legislation. So scrupulously was the example of Chester followed, that the style of the preamble is nearly the same with that of the Chester act; and without affecting the abstract extent of the authority of parliament, it recognises the equity, of not suffering any considerable district in which the British subjects may act as a body, to be taxed without their own voice in the grant.

"Now if the doctrines of policy contained in these preambles, and the force of these examples in the acts of parliament, avail any thing, what can be said against applying them with regard to America? Are not the people of America as much Englishmen as the Welsh? The preamble of the act of Henry VIII. says, the Welsh speak a language no way resembling that of his majesty's English subjects. Are the Americans not as numerous? If we may trust the learned and accurate judge Barrington's account of North Wales, and take that as a standard to measure the rest, there is no comparison. The people cannot amount to above 200,000; not a tenth part of the number in the colonies. Is America in rebellion? Wales was hardly ever free from it. Have you attempted to govern America by penal statutes? You made fifteen for Wales. But your legislative authority is perfect with regard to America. Was it less perfect in Wales, Chester, and Durham? But America is virtually represented. What! does the electric force of virtual representation more easily pass over the Atlantick, than pervade Wales, which lies in your neighbourhood; or than Chester and Durham, surrounded by abundance of representation that is actual and palpable? But, sir, your ancestors thought this sort of virtual representation, however ample, to be totally insufficient for the freedom of the inhabitants of territories that are so near, and comparatively so inconsiderable. How then can I think it sufficient for those which are infinitely greater, and infinitely more remote?

"You will now, sir, perhaps imagine, that I am on the point of proposing to you a scheme for a representation of the colonies in parliament. Perhaps I might be inclined to entertain some such thought; but a great flood stops me in my course. *Opposuit natura*. I cannot remove the eternal barriers of the creation. The thing in that mode, I do not know to be possible. As I meddle with no theory, I do not absolutely assert the impracticability of such a representation. But I do not see my way to it; and those who have been more confident, have not been more successful. However, the arm of publick benevolence is not shortened; and there are often several means to the same end. What nature has disjoined in one way, wisdom may unite in another. When we cannot give the benefit as we would wish, let us not refuse it altogether. If we cannot give the principal, let us find a substitute. But how? Where? What substitute?

"Fortunately, I am not obliged for the ways and means of this substitute, to tax my own unproductive invention. I am not even obliged to go to the rich treasury of the fertile framers, of imaginary commonwealths; not to the Republick of Plato, not to the Utopia of More, not to the Oceana of Harrington. It is before me—it is at my feet, *and the rude swain treads daily on it with his clouted shoon*. I only wish you to recognise, for the *theory*, the ancient constitutional policy of this kingdom with regard to representation, as that policy has been declared in acts of parliament; and, as to the *practice*, to return to that mode which a uniform experience has marked out to you, as best; and in which you walked with security, advantage, and honour, until the year 1763.

"My resolutions, therefore, mean to establish the equity and justice of a taxation of America, by *grant* and not by *imposition*. To mark the *legal competency* of the colony assemblies for the support of their government in peace, and for publick aids in time of war. To acknowledge that this legal competency has had a *dutiful and beneficial exercise*; and that experience has shown the *benefit of their grants*, and the *futility of parliamentary taxation as a method of supply*.

"These solid truths compose six fundamental propositions. There are three more resolutions corollary to these. If you admit the first set, you can hardly reject the others. But if you admit the first, I shall be far from solicitous whether you accept or refuse the last. I think these six massive pillars, will be of strength sufficient to support the temple of British concord. I have no more doubt than I entertain of my existence, that, if you admitted these, you would command an immediate peace; and with but tolerable future management, a lasting obedience in America. I am not arrogant in this confident assurance. The propositions are all mere matters of fact; and if they are such facts as draw irresistible conclusions even in the stating, this is the power of truth, and not any management of mine.

"Sir, I shall open the whole plan to you together, with such observations on the motions as may tend to illustrate them, where they may want explanation. The first is a resolution—"That the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses, or others to represent them in the high court of parliament."—This is a plain matter of fact, necessary to be laid down, and (excepting the description) it is laid down in the language of the constitution; it is taken nearly *verbatim* from acts of parliament.

"The second is like unto the first—"That the said colonies and plantations have been liable to, and bounden by, several subsidies, payments, rates, and taxes, given and granted by parliament, though the said colonies and plantations have not their knights and burgesses, in the said high court of parliament, of their own election, to represent the condition of their country; by lack whereof they have been oftentimes touched and grieved by subsidies given, granted, and assented to, in the said court, in a manner prejudicial to the common wealth, quietness, rest, and peace of the subjects inhabiting within the same."

"Is this description too hot, or too cold, too strong, or too weak? Does it arrogate too much to the supreme legislature? Does it lean too much to the claims of the people? If it runs into any of these errors, the fault is not mine. It is the language of your own ancient acts of parliament. *Non meus hic sermo, sed que præcepit Ofellus, rusticus, abnormis sapiens.* It is the genuine produce of the ancient, rustick, manly, homebred sense of this country.—I did not dare to rub off a particle of the venerable rust, that rather adorns and preserves, than destroys the metal. It would be a profanation to touch with a tool, the stones which construct the sacred altar of peace. I would not violate with modern polish, the ingenuous and noble roughness of these truly constitutional materials. Above all things, I was resolved not to be guilty of tampering, the odious vice of restless and unstable minds. I put my foot in the tracts of our forefathers, where I can neither wander nor stumble. Determining to fix articles of peace, I was resolved not to be wise beyond what was written; I was resolved to use nothing else than the form of sound words; to let others abound in their own sense, and carefully to abstain from all expressions of my own. What the law has said, I say—In all things else I am silent—I have no organ but for her words. This, if it be not ingenious, I am sure is safe.

"There are indeed, words expressive of grievance in this second resolution, which those who are resolved always to be in the right, will deny to contain matter of fact, as applied to the present case; although parliament thought them true, with regard to the counties of Chester and Durham. They will deny that the Americans were ever 'touched and grieved' with the taxes. If they consider nothing in taxes but their weight as pecuniary impositions, there might be some pretence for this denial. But men may be sorely touched and deeply grieved in their privileges, as well as in their purses. Men may lose little in property, by the act which takes away all their freedom. When a man is robbed of a trifle on the highway, it is not the twopence lost that constitutes the capital outrage. This is not confined to privileges. Even ancient indulgences withdrawn, without offence on the part of those who enjoyed such favours, operate as grievances. But were the Americans then not touched and grieved by the taxes, in some measure merely as taxes? If so, why were they, almost all, either wholly repealed or exceedingly reduced! Were they not touched and grieved, even by the regulating duties of the sixth of George II? Else why were the duties first reduced to one third in 1764, and afterward to a third of that third in the year 1766? Were they not touched and grieved by the stamp act? I shall say they were, until that tax is revived. Were they not touched and grieved by the duties of 1767, which were likewise repealed, and which, lord *Hillsborough* tells you, for the ministry, were laid contrary to the true principle of commerce? Is not the assurance given by that noble person to the colonies, of a resolution to lay no more taxes on them, an admission that taxes would touch and grieve them? Is not the resolution of the noble lord in the blue ribbon, now standing on your journals, the strongest of all proofs that parliamentary subsidies really touched and grieved them—else, why all these changes, modifications, repeals, assurances, and resolutions?

"The next proposition is—"That, from the distance of the said colonies, and from other circumstances, no method hath hitherto been devised for procuring a representation in parliament for the said colonies." This is an assertion of a fact. I go no further on the paper; though in my private judgment, a useful representation is impossible; I am sure it is not desired by them, nor ought it, perhaps, by us; but I abstain from opinions.

"The fourth resolution is—"That each of the said colonies hath within itself a body, chosen in

part, or in the whole, by the freemen, freeholders, or other free inhabitants thereof, commonly called the general assembly, or general court, with powers legally to raise, levy, and assess, according to the several usages of such colonies, duties and taxes, towards defraying all sorts of publick services.*

"This competence in the colony assemblies is certain. It is proved by the whole tenour of their acts of supply in all the assemblies, in which the constant style of granting is, 'an aid to his majesty;' and acts granting to the crown have regularly for near a century, passed the publick offices without dispute. Those who have been pleased paradoxically to deny this right, holding that none but the British parliament can grant to the crown, are wished to look to what is done, not only in the colonies, but in Ireland, in one uniform unbroken tenour every session. Sir, I am surprised, that this doctrine should come from some of the law servants of the crown. I say, that if the crown could be responsible, his majesty—but certainly the ministers, and even these law officers themselves, through whose hands the acts pass biennially in Ireland, or annually in the colonies—are in a habitual course of committing impeachable offences. What habitual offenders have been all presidents of the council, all secretaries of state, all first lords of trade, all attorneys and all solicitors general! However, they are safe, as no one impeaches them; and there is no ground of charge against them, except in their own unfounded theories.

"The fifth resolution is also a resolution of fact—"That the said general assemblies, general courts, or other bodies legally qualified as aforesaid; have at sundry times freely granted, several large subsidies and publick aids for his majesty's service, according to their abilities, when required thereto by letter, from one of his majesty's principal secretaries of state. And that their right to grant the same, and their cheerfulness and sufficiency in the said grants, have been at sundry times acknowledged by parliament." To say nothing of their great expenses in the Indian wars; and not to take their exertion in foreign ones, so high as the supplies in the year 1695; not to go back to their publick contributions in the year 1710; I shall begin to travel only where the journals give me light; resolving to deal in nothing but fact, authenticated by parliamentary record; and to build myself wholly on that solid basis.

"On the fourth of April, 1748, (1) a committee of this house came to the following resolution:

"Resolved, That it is the opinion of this committee, *That it is just and reasonable* that the several provinces and colonies of *Massachusetts bay, New Hampshire, Connecticut and Rhode Island*, be reimbursed the expenses they have been at, in taking and securing to the crown of *Great Britain*, the island of *Cape Breton*, and its dependencies."

"These expenses were immense for such colonies. They were above 200,000*l.* sterling; money first raised and advanced on their publick credit.

"On the 28th of *January*, 1756, (2) a message from the king came to us, to this effect—"His majesty, being sensible of the zeal and vigour with which his faithful subjects of certain colonies in *North America*, have exerted themselves in defence of his majesty's just rights and possessions, recommends it to this house to take the same into their consideration, and to enable his majesty to give them such assistance, as may be a *proper reward and encouragement*."

"On the third of *February*, 1756, (3) the house came to a suitable resolution, expressed in words nearly the same as those of the message; but with the further addition, that the money then voted was as an *encouragement* to the colonies, to exert themselves with vigour. It will not be necessary to go through all the testimonies which your own records have given, to the truth of my resolutions. I will only refer you to the places in the journals:

"Vol. xxvii.—16th and 19th *May*, 1757.

"Vol. xxviii.—*June* 1st, 1758—*Ap.* 26 and 30th, 1759—*Mar.* 26th and 31st, and *Ap.* 28th, 1760.—*Jan.* 9th and 20th, 1761.

"Vol. xxix.—*Jan.* 22d and 26th, 1762—*March* 14th and 17th, 1763.

"Sir, here is the repeated acknowledgment of parliament, that the colonies not only gave, but gave to satiety. This nation has formerly acknowledged two things; first, that the colonies had gone beyond their abilities, parliament having thought it necessary to reimburse them; secondly, that they had acted legally and laudably in their grants of money, and their maintenance of troops, since the compensation is expressly given as reward and encouragement. Reward is not bestowed for acts that are unlawful; and encouragement is not held out to things that deserve reprehension. My resolution therefore does nothing more than collect into one proposition, what is scattered

(1) *Journals of the House*, vol. xxv. (2) *Ibid.* vol. xxvii. (3) *Ibid.*

through your journals. I give you nothing but your own; and you cannot refuse in the gross, what you have so often acknowledged in detail. The admission of this, which will be so honourable to them and to you, will, indeed, be mortal to all the miserable stories, by which the passions of the misguided people have been engaged in an unhappy system. The people heard, indeed, from the beginning of these disputes, one thing continually dinning in their ears, that reason and justice demanded, that the Americans, who paid no taxes, should be compelled to contribute. How did that fact, of their paying nothing, stand, when the taxing system began? When Mr. Grenville began to form his system of *American* revenue, he stated in this house, that the colonies were then in debt, two million six hundred thousand pounds sterling money; and was of opinion they would discharge that debt in four years. On this state, those untaxed people were actually subject to the payment of taxes, to the amount of six hundred and fifty thousand a year. In fact, however, Mr. Grenville was mistaken. The funds given for sinking the debt did not prove quite so ample, as both the colonies and he expected. The calculation was too sanguine: the reduction was not completed till some years after, and at different times in different colonies. However, the taxes after the war continued too great to bear any addition, with prudence or propriety; and when the burdens imposed in consequence of former requisitions were discharged, our tone became too high to resort again to requisition. No colony, since that time, ever has had any requisition whatsoever made to it.

“We see the sense of the crown, and the sense of parliament, on the productive nature of a *revenue by grant*. Now search the same journals for the produce of the *revenue by imposition*—Where is it?—let us know the volume and the page—what is the gross, what is the net produce?—to what service is it applied?—how have you appropriated its surplus?—What, can none of the many skilful index-makers that we are now employing, find any trace of it?—well, let them and that rest together. But are the journals, which say nothing of the revenue, as silent on the discontent? Oh no! a child may find it. It is the melancholy burden and blot of every page.

“I think then I am, from those journals, justified in the sixth and last resolution, which is—‘That it hath been found by experience, that the manner of granting the said supplies and aids, by the said general assemblies, hath been more agreeable to the said colonies, and more beneficial, and conducive to the publick service, than the mode of giving and granting aids in parliament, to be raised and paid in the said colonies.’ This makes the whole of the fundamental part of the plan. The conclusion is irresistible. You cannot say that you were driven by any necessity, to an exercise of the utmost rights of legislature. You cannot assert, that you took on yourselves the task of imposing colony taxes, from the want of another legal body, that is competent to the purpose of supplying the exigencies of the state, without wounding the prejudices of the people. Neither is it true, that the body so qualified and having that competence, had neglected the duty.

“The question now, on all this accumulated matter, is;—Whether you will choose to abide by a profitable experience, or a mischievous theory? Whether you choose to build on imagination or fact? Whether you prefer enjoyment or hope; satisfaction in your subjects, or discontent?

“If these propositions are accepted, every thing which has been made to enforce a contrary system, must, I take it for granted, fall along with it. On that ground, I have drawn the following resolution, which, when it comes to be moved, will naturally be divided in a proper manner; ‘That it may be proper to repeal an act, made in the seventh year of the reign of his present majesty, entitled, An act for granting certain duties in the *British* colonies and plantations in *America*; for allowing a drawback of the duties of customs upon the exportation from this kingdom, of coffee and cocoa-nuts of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on *China* earthenware exported to *America*; and for more effectually preventing the clandestine running of goods in the said colonies and plantations.—And that it may be proper to repeal an act, made in the fourteenth year of the reign of his present majesty, entitled, An act to discontinue, in such manner, and for such time, as are therein mentioned, the landing and discharging, lading or shipping, of goods, wares, and merchandize, at the town and within the harbour of *Boston*, in the province of *Massachusetts bay*, in *North America*.—and that it may be proper to repeal an act, made in the fourteenth year of the reign of his present majesty, entitled, An act for the impartial administration of justice, in the cases of persons questioned for any acts done by them, in the execution of the law, or for the suppression of riots and tumults, in the province of *Massachusetts bay*, in *New England*.—And that it may be proper to repeal an act, made in the fourteenth year of the reign of his present majesty, entitled, An act for the better regulating the government of the province of *Massachusetts bay*, in *New England*.—And also,

that it may be proper to explain and amend an act, made in the thirty-fifth year of the reign of king Henry the eighth, entitled, An act for the trial of treasons committed out of the king's dominions.

"I wish, sir, to repeal the *Boston Port Bill*, because (independently of the dangerous precedent of suspending the rights of the subject during the king's pleasure) it was passed, as I apprehend, with less regularity, and on more partial principles, than it ought. The corporation of *Boston* was not heard before it was condemned. Other towns, full as guilty as she was, have not had their ports blocked up. Even the restraining bill of the present session, does not go to the length of the *Boston Port Act*. The same ideas of prudence, which induced you not to extend equal punishment to equal guilt, even when you were punishing, induce me, who mean not to chastise, but to reconcile, to be satisfied with the punishment already partially inflicted.

"Ideas of prudence, and accommodation to circumstances, prevent you from taking away the charters of *Connecticut* and *Rhode Island*, as you have taken away that of *Massachusetts* colony, though the crown has far less power in the two former provinces, than it enjoyed in the latter; and though the abuses have been full as great, and as flagrant, in the exempted as in the punished. The same reasons of prudence and accommodation have weight with me, in restoring the charter of *Massachusetts bay*. Besides, sir, the act which changes the charter of *Massachusetts* is in many particulars so exceptionable, that if I did not wish absolutely to repeal, I would by all means desire to alter it; as several of its provisions tend to the subversion of all publick and private justice. Such among others, is the power in the governour to change the sheriff at his pleasure; and to make a new returning officer for every special cause. It is shameful to behold such a regulation standing among English laws.

"The act, for bringing persons accused of committing murder, under the orders of government to England for trial, is but temporary. That act has calculated the probable duration of our quarrel with the colonies; and is accommodated to that supposed duration. I would hasten the happy moment of reconciliation; and therefore must, on my principle, get rid of that most justly obnoxious act.

"The act of Henry the Eighth, for the trial of treasons, I do not mean to take away, but to confine it to its proper bounds and original intention; to make it expressly for trial of treasons (and the greatest treasons may be committed) in places where the jurisdiction of the crown does not extend.

"Having guarded the privileges of local legislature, I would next secure to the colonies, a fair and unbiassed judicature; for which purpose, sir, I propose the following resolution: 'That, from the time when the general assembly or general court, of any colony or plantation in *North America*, shall have appointed by act of assembly, duly confirmed, a settled salary to the officers of the chief justice and other judges of the superiour court, it may be proper, that the said chief justice and other judges of the superiour courts of such colony, shall hold his and their office and offices during their good behaviour; and shall not be removed therefrom, but when the said removal shall be adjudged by his majesty in council, upon a hearing on complaint from the general assembly, or on a complaint from the governor, or council, or the house of representatives severally, of the colony in which the said chief justice and other judges, have exercised the said offices.'

"The next resolution relates to the courts of admiralty—

"It is this:—'That it may be proper to regulate the courts of admiralty, or vice admiralty, authorized by the 15th chap. of the 4th of George the Third, in such a manner as to make the same more commodious to those who sue, or are sued, in the said courts, and to provide for the more decent maintenance of the judges in the same.'

"These courts I do not wish to take away. They are in themselves proper establishments. This court is one of the capital securities of the act of navigation. The extent of its jurisdiction, indeed, has been increased; but this is altogether as proper, and is indeed, on many accounts, more eligible where new powers were wanted, than a court absolutely new. But courts incommodiously situated, in effect deny justice; and a court, partaking in the fruits of its own condemnation, is a robber. The congress complain, and complain justly, of this grievance.(1)

"These are the three consequential propositions. I have thought of two or three more; but they come rather too near detail, and to the province of executive government, which I wish parliament always to superintend, never to assume. If the first six are granted, congruity will

(1) *The Solicitor General informed Mr. B. when the resolutions were separately moved, that the grievance of the judges partaking of the profits of the seizure, had been redressed by office; accordingly the resolution was amended.*

carry the latter three. If not, the things that remain unrepealed will be, I hope, rather unseemly incumbrances on the building, than very materially detrimental to its strength and stability.

"Here, sir, I should close; but that I plainly perceive some objections remain, which I ought if possible, to remove. The first will be, that, in resorting to the doctrine of our ancestors, as contained in the preamble to the Chester act, I prove too much; that the grievance from a want of representation stated in that preamble, goes to the whole of legislation as well as to taxation. And that the colonies grounding themselves upon that doctrine, will apply it to all parts of legislative authority.

"To this objection, with all possible deference and humility, and wishing as little as any man living to impair the smallest particle of our supreme authority, I answer, that *the words are the words of parliament, and not mine*; and, that all false and inconclusive inferences, drawn from them, are not mine; for I heartily disclaim any such inference. I have chosen the words of an act of parliament, which Mr. Grenville, surely a tolerably zealous and very judicious advocate for the sovereignty of parliament, formerly moved to have read at your table, in confirmation of his tenets. It is true, that lord Chatham considered these preambles as declaring strongly in favour of his opinions. He was a no less powerful advocate for the privileges of the *Americans*. Ought I not from hence to presume, that these preambles are as favourable as possible to both, when properly understood; favourable both to the rights of parliament, and to the privilege of the dependencies of this crown? But, sir, the object of grievance in my resolution, I have not taken from the Chester, but from the Durham act, which confines the hardship of want of representation, to the case of subsidies; and which therefore falls in exactly with the case of the colonies. But whether the unrepresented counties were *de jure*, or *de facto*, bound, the preambles do not accurately distinguish; nor indeed was it necessary; for whether *de jure*, or *de facto*, the legislature thought the exercise of the power of taxing, as of right, or as of fact without right, equally a grievance, and equally oppressive.

"I do not know that the colonies have, in any general way, or in any cool hour, gone much beyond the demand of immunity in relation to *taxes*. It is not fair to judge of the temper or dispositions of any man, or any set of men, when they are composed and at rest, from their conduct, or their expressions, in a state of disturbance and irritation. It is, besides, a very great mistake to imagine, that mankind follow up practically any speculative principle, either of government or of freedom, as far as it will go in argument and logical illation. We Englishmen stop very short of the principles, upon which we support any given part of our constitution; or even the whole of it together. I could easily, if I had not already tired you, give you very striking and convincing instances of it. This is nothing but what is natural and proper. All government, indeed every human benefit and enjoyment, every virtue, and every prudent act, is founded on compromise and barter. We balance inconveniences; we give and take; we remit some rights, that we may enjoy others; and, we choose rather to be happy citizens, than subtle disputants. As we must give away some natural liberty, to enjoy civil advantages; so we must sacrifice some civil liberties, for the advantages to be derived, from the communion and fellowship of a great empire. But, in all fair dealings, the thing bought must bear some proportion to the purchase paid. None will barter away the immediate jewel of his soul. Though a great house is apt to make slaves haughty, yet it is purchasing a part of the artificial importance of a great empire too dear, to pay for it all essential rights, and all the intrinsic dignity of human nature. None of us who would not risk his life, rather than fall under a government purely arbitrary. But, although there are some amongst us, who think our constitution wants many improvements, to make it a complete system of liberty; perhaps none who are of that opinion would think it right, to aim at such improvement by disturbing his country, and risking every thing that is dear to him. In every arduous enterprise, we consider what we are to lose, as well as what we are to gain; and the more and better stake of liberty every people possess, the less they will hazard in a vain attempt to make it more. These are the *cords of man*. Man acts from adequate motives relative to his interest; and not on metaphysical speculations. Aristotle, the great master of reasoning, cautions us, and with great weight and propriety, against this species of delusive geometrical accuracy in moral arguments, as the most fallacious of all sophistry.

"The *Americans* will have no interest contrary to the grandeur and glory of *England*, when they are not oppressed by the weight of it; and they will rather be inclined to respect the acts of a superintending legislature; when they see them the acts of that power, which is itself the security, not the rival, of their secondary importance. In this assurance, my mind most perfectly acquiesces; and I confess, I feel not the least alarm from the discontents which are to arise, from

putting people at their ease ; nor do I apprehend the destruction of this empire, from giving, by an act of free grace and indulgence, to two millions of my fellow citizens, some share of those rights, upon which I have always been taught to value myself.

"It is said indeed, that this power of granting, vested in *American* assemblies, would dissolve the unity of the empire ; which was preserved entire, although *Wales*, and *Chester*, and *Durham*, were added to it. Truly, Mr. Speaker, I do not know what this unity means ; nor has it ever been heard of, that I know in the constitutional policy of this country. The very idea of subordination of parts, excludes this notion of simple and undivided unity. England is the head ; but she is not the head and the members too !—Ireland has ever had from the beginning a separate, but not an independent legislature ; which, far from distracting, promoted the union of the whole. Every thing was sweetly and harmoniously disposed through both islands, for the conservation of English dominion, and the communication of English liberties. I do not see that the same principles might not be carried into twenty islands, and with the same good effect. This is my model with regard to *America*, as far as the internal circumstances of the two countries are the same. I know no other unity of this empire, than I can draw from its example during these periods, when it seemed to my poor understanding more united than it is now, or than it is likely to be by the present methods.

"But since I speak of these methods, I recollect, Mr. Speaker, almost too late, that I promised, before I finished, to say something of the proposition of the noble lord (1) on the floor, which has been so lately received, and stands on your journals. I must be deeply concerned, whenever it is my misfortune to continue a difference with the majority of this house ; but as the reasons for that difference are my apology for thus troubling you, suffer me to state them in a very few words. I shall compress them into as small a body as I possibly can, having already debated that matter at large, when the question was before the committee.

"First, then, I cannot admit that proposition of a ransom by auction ; because it is a mere project. It is a thing new ; unheard of ; supported by no experience ; justified by no analogy ; without example of our ancestors, or root in the constitution. It is neither regular parliamentary taxation, nor colony grant. *Experimentum in corpore vili*, is a good rule, which will ever make me adverse to any trial of experiments, on what is certainly the most valuable of all subjects ; the peace of this empire.

"Secondly, it is an experiment which must be fatal, in the end, to our constitution. For what is it but a scheme for taxing the colonies, in the antichamber of the noble lord and his successors ? To settle the quotas and proportions in this house, is clearly impossible. You, sir, may flatter yourself, you shall sit a state auctioneer, with your hammer in your hand, and knock down to each colony as it bids. But to settle (on the plan laid down by the noble lord) the true proportional payment for four or five and twenty governments, according to the absolute and the relative wealth of each, and according to the British proportion of wealth and burden, is a wild and chimerical notion. This new taxation must therefore, come in by the back door of the constitution. Each quota must be brought to this house ready formed ; you can neither add nor alter. You must register it. You can do nothing further. For on what grounds can you deliberate, either before or after the proposition ? You cannot hear the counsel for all these provinces, quarrelling each on its own quantity of payment, and its proportion to others. If you should attempt it, the committee of provincial ways and means, or by whatever other name it will delight to be called, must swallow up all the time of parliament.

"Thirdly, it does not give satisfaction to the complaint of the colonies. They complain that they are taxed without their consent ; you answer, that you will fix the sum at which they shall be taxed—That is, you give them the very grievance for the remedy. You tell them indeed, that you will leave the mode to themselves. I really beg pardon—It gives me pain to mention it ; but you must be sensible, that you will *not* perform this part of the compact. For, suppose the colonies were to lay the duties which furnished their contingent, upon the importation of your manufactures ; you know you would never suffer such a tax to be laid. You know too, that you would not suffer many other modes of taxation : so that, when you come to explain yourself it will be found, that you will neither leave to themselves the quantum nor the mode ; nor indeed any thing. The whole is delusion from one end to the other.

"Fourthly, this method of ransom by auction, unless it be *universally* accepted, will plunge you into great and inextricable difficulties. In what year of our Lord are the proportions of pay-

ments to be settled? To say nothing of the impossibility, that colony agents, should have general powers of taxing the colonies at their discretion; consider, I implore you, that the communication by special messages, and orders between these agents and their constituents on each variation of the case, when the parties come to contend together, and to dispute on their relative proportions, will be a matter of delay, perplexity, and confusion, that never can have an end.

"If all the colonies do not appear at the outcry, what is the condition of those assemblies who offer, by themselves or their agents, to tax themselves up to your ideas of their proportion? The refractory colonies who refuse all composition, will remain taxed only to your old impositions, which, however grievous in principle, are trifling as to production. The obedient colonies in this scheme are heavily taxed; the refractory remain unburdened. What will you do? Will you lay new and heavier taxes by parliament, on the disobedient? Pray consider in what way you can do it. You are perfectly convinced, that in the way of taxing, you can do nothing but at the ports. Now suppose it is *Virginia*, that refuses to appear at your auction, while *Maryland* and *North Carolina* bid handsomely for their ransom, and are taxed to your quota. How will you put these colonies on a par? Will you tax the tobacco of *Virginia*? If you do, you give its death wound to your *English* revenue at home, and to one of the very greatest articles of your own foreign trade. If you tax the import of that rebellious colony, what do you tax but your own manufactures, or the goods of some other obedient, and already well taxed colony? Who has said one word on this labyrinth of detail, which bewilders you more and more as you enter into it? Who has presented, who can present you with, a clue to lead you out of it? I think, sir, it is impossible, that you should not recollect, that the colony bounds are so implicated in one another (you know it by your other experiments, in the bill for prohibiting the *New England* fishery) that you can lay no possible restraints on almost any of them which may not be presently eluded, if you do not confound the innocent with the guilty, and burden those, whom upon every principle you ought to exonerate. He must be grossly ignorant of America, who thinks that, without falling into this confusion of all rules of equity and policy, you can restrain any single colony, especially *Virginia* and *Maryland*, the central, and most important of them all.

"Let it also be considered—that, either, in the present confusion, you settle a permanent contingent which will and must be trifling; and then you have no effectual revenue—or, you change the quota at every exigency; and then, on every new repartition you will have a new quarrel.

"Reflect, besides, that when you have fixed a quota for every colony, you have not provided for prompt and punctual payment. Suppose one, two, five, ten years arrears. You cannot issue a treasury extent against the failing colony. You must make new Boston port bills, new restraining laws, new acts for dragging men to *England* for trial. You must send out new fleets, new armies. All is to begin again. From this day forward, the empire is never to know an hour's tranquillity. An intestine war will be kept alive in the bowels of the colonies, which one time or other, must consume this whole empire. I allow, indeed, that the empire of *Germany* raises her revenue and her troops by quotas and contingents; but the revenue of the empire, and the army of the empire, is the worst revenue, and the worst army, in the world.

"Instead of a standing revenue, you will therefore have a perpetual quarrel. Indeed, the noble lord who proposed this project of a ransom by auction, seemed himself to be of that opinion. His project was rather designed for breaking the union of the colonies, than for establishing a revenue. He confessed, he apprehended that his proposal would not be to *their taste*. I say this scheme of disunion, seems to be at the bottom of the project; for I will not suspect that the noble lord meant nothing, but merely to delude the nation by an airy phantom, which he never intended to realize. But whatever his views may be; as I propose the peace and union of the colonies as the very foundation of my plan, it cannot accord with one whose foundation is perpetual discord.

"Compare the two. This I offer to give you is plain and simple. The other full of perplexed and intricate mazes. This is mild; that harsh. This is found by experience effectual for its purposes; the other is a new project. This is universal; the other calculated for certain colonies only. This is immediate in its conciliatory operation; the other remote, contingent, full of hazard. Mine is what becomes the dignity of a ruling people; gratuitous, unconditional, and not held out as matter of bargain and sale. I have done my duty in proposing it to you. I have indeed tired you by a long discourse; but this is the misfortune of those to whose influence nothing will be conceded, and who must win every inch of their ground by argument. You have heard me with goodness. May you decide with wisdom! For my part, I feel my mind greatly disburdened by what I have done to day—I have been the less fearful of trying your patience, because on this subject I mean to spare it altogether in future. I have this comfort, that in every stage of the

American affairs, I have steadily opposed the measures that have produced the confusion, and may bring on the destruction of this empire. I now go so far as to risk a proposal of my own. If I cannot give peace to my country, I give it to my conscience.

"But what, says the financier, is peace to us without money? Your plan gives us no revenue. No! But it does. For it secures to the subject the power of REFUSAL; the first of all revenues. Experience is a cheat, and fact a liar, if this power in the subject of proportioning his grant, or of not granting at all, has not been found the richest mine of revenue, ever discovered by the skill or by the fortune of man. It does not indeed vote you 152,750*l.* : 11 : 2 3-4ths, nor any other paltry limited sum. But it gives the strong box itself: the fund, the bank, from whence only revenues can arise, amongst a people sensible of freedom: *Posita luditur arca*. Cannot you in England; cannot you at this time of day; cannot you, a house of commons, trust to the principle which has raised so mighty a revenue, and accumulated a debt of near 140 millions in this country? Is this principle to be true in England, and false every where else? Is it not true in Ireland? Has it not hitherto been true in the colonies? Why should you presume, that in any country, a body duly constituted for any functions, will neglect to perform its duty, and abdicate its trust? Such a presumption would go against all government in all modes. But, in truth, this dread of penury of supply from a free assembly, has no foundation in nature. For first observe, that, besides the desire which all men have naturally, of supporting the honour of their own government; that sense of dignity, and that security to property, which ever attends freedom, has a tendency to increase the stock of the free community. Most may be taken where most is accumulated. And what is the soil or climate where experience has not uniformly proved, that the voluntary flow of heaped up plenty, bursting from the weight of its own rich luxuriance, has ever run with a more copious stream of revenue, than could be squeezed from the dry husks of oppressed indigence, by the straining of all the politick machinery in the world.

"Next we know, that parties must ever exist in a free country. We know too, that the emulations of such parties, their contradictions, their reciprocal necessities, their hopes, and their fears, must send them all in their turns to him, that holds the balance of the state. The parties are the gamblers; but government keeps the table, and is sure to be the winner in the end. When this game is played, I really think it is more to be feared, that the people will be exhausted, than that government will not be supplied. Whereas, whatever is got by acts of absolute power ill obeyed, because odious; or by contracts ill kept, because constrained; will be narrow, feeble, uncertain, and precarious. *"Ease would retract vows made in pain, as violent and void."*

"I, for one, protest against compounding our demands. I declare against compounding, for a poor limited sum, the immense, ever growing, eternal debt, which is due to generous government from protected freedom. And so may I speed in the great object I propose to you, as I think it would not only be an act of injustice, but would be the worst economy in the world, to compel the colonies to a sum certain, either in the way of ransom, or in the way of compulsory compact.

"But to clear up my ideas on this subject. A revenue from America transmitted hither—do not delude yourselves—you never can receive it—no, not a shilling. We have experience, that from remote countries it is not to be expected. If, when you attempted to extract revenue from Bengal, you were obliged to return in loan what you had taken in imposition; what can you expect from North America? for certainly, if ever there was a country qualified to produce wealth, it is India; or an institution fit for the transmission, it is the East India company. America has none of these aptitudes. If America gives you taxable objects, on which you lay your duties here; and gives you, at the same time, a surplus by a foreign sale of her commodities, to pay the duties on these objects which you tax at home; she has performed her part to the British revenue. But with regard to her own internal establishments, she may, I doubt not she will, contribute in moderation. I say in moderation; for she ought not to be permitted to exhaust herself. She ought to be reserved to a war; the weight of which, with the enemies that we are most likely to have, must be considerable in her quarter of the globe. There she may serve you and serve you essentially.

"For that service, for all service, whether of revenue, trade, or empire; my trust is in her interest in the British constitution. My hold of the colonies is, in the close affection which grows from common names, from kindred blood, from similar privileges, and equal protection. These are ties which, though light as air, are strong as links of iron. Let the colonies always keep the idea of their civil rights, associated with your government; they will cling and grapple to you; and no force under heaven will be of power, to tear them from their allegiance. But let it be once understood, that your government may be one thing, and their privileges another; that these two

things may exist without any mutual relation; the cement is gone; the cohesion is loosened; and every thing hastens to decay and dissolution. As long as you have the wisdom to keep the sovereign authority of this country, as the sanctuary of liberty, the sacred temple consecrated to our common faith; wherever the chosen race and sons of England worship freedom, they will turn their faces towards you. The more they multiply, the more friends you will have. The more ardent they love liberty, the more perfect will be their obedience. Slavery they can have any where. It is a weed that grows in every soil. They may have it from Spain, they may have it from Prussia. But until you become lost to all feeling of your true interest and your natural dignity, freedom they can have from none but you. This is the commodity of price, of which you have the monopoly. This is the true act of navigation, which binds to you the commerce of the colonies, and through them secures to you the wealth of the world. Deny them this participation of freedom, and you break that sole bond, which originally made and must still preserve, the unity of the empire. Do not entertain so weak an imagination, as that your registers and your bonds, your affidavits and your sufferances, your cockets and your clearances, are what form the great securities of your commerce. Do not dream that your letters of office, and your instructions, and your suspending clauses, are the things that hold together the great contexture of this mysterious whole. These things do not make your government. Dead instruments, passive tools as they are, it is the spirit of the English communion that gives all their life and efficacy to them. It is the spirit of the English constitution, which, infused through the mighty mass, pervades, feeds, unites, invigorates, vivifies, every part of the empire, even down to the minutest member.

"Is it not the same virtue which does every thing for us here in England? Do you imagine then, that it is the land tax act which raises your revenue? that it is the annual vote in the committee of supply, which gives you your army? or that it is the mutiny bill, which inspires it with bravery and discipline? No! surely no! It is the love of the people; it is their attachment to their government; from the sense of the deep stake they have in such a glorious institution, which gives you your army and your navy, and infuses into both that liberal obedience, without which your army would be a base rabble, and your navy nothing but rotten timber.

"All this, I know well enough, will sound wild and chimerical, to the profane herd of those vulgar and mechanical politicians, who have no place among us; a sort of people who think, that nothing exists but what is gross and material; and who therefore, far from being qualified to be directors of the great movement of empire, are not fit to turn a wheel in the machine. But to men truly initiated and rightly taught, these ruling and master principles, which, in the opinion of such men as I have mentioned, have no substantial existence, are in truth every thing, and all in all. Magnanimity in politics is not seldom the truest wisdom; and a great empire and little minds, go ill together. If we are conscious of our situation, and glow with zeal to fill our place as becomes our station and ourselves, we ought to auspicate all our public proceedings on America, with the old warning of the church, *Sursim corda!* We ought to elevate our minds to the greatness of that trust, to which the order of Providence has called us. By adverting to the dignity of this high calling, our ancestors have turned a savage wilderness into a glorious empire; and have made the most extensive, and the only honourable conquests; not by destroying, but by promoting, the wealth, the number, the happiness of the human race. Let us get an American revenue, as we have got an American empire. English privileges have made it all that it is; English privileges alone will make it all it can be.

"In full confidence of this unalterable truth, I now (*quod felix faustumque sit*)—lay the first stone of the temple of peace; and I move you,

"That the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses, or others, to represent them in the high court of parliament."

This was the first of his fundamental propositions: as before mentioned in the *note*, p. 163, the "previous question" was taken upon it and carried; and thus terminated Mr. BURKE's plan of reconciliation, *Mar. 22.* the day it was introduced by the foregoing SPEECH.

It will be remembered, that when this motion was made [*Mar. 22*, p. 162.] The *first* restraining bill, introduced by lord North, (*Feb. 10.*) levelled at the New England states in particular, had come back from the house of lords, with some amendments; and the *second* restraining bill, including other colonies, introduced *Mar. 9.* was still under consideration, before the house of commons.

In this state of the bills, and after Mr. *Burke's* motion, several petitions "were received from manufacturing towns in Britain and Ireland, against the coercive acts. Some counter petitions were also received, calling for an enforcement of the laws of Britain, as the only means of preserving a trade with the colonies. Much altercation arose on the truth of the facts alledged on both sides, as well as on the manner of obtaining the signatures, and the quality of those who signed. The minority insisted, that the most who signed the war-petitions, as they called them, were persons who had little or no interest in the American trade, but of that description of warm and active party men, commonly called Tories. And they entered into several examinations, to prove the truth of the former part of their assertion. This produced many long and hot debates. Other petitions were presented to the crown, and equally disregarded; one from the British settlers in Canada, against the Quebec bill; one from the quakers, in which, besides endeavouring to diffuse the influence of that spirit of peace which is the predominant principle in their religious system, they declared themselves persuaded, that there are not in his majesty's extensive dominions, subjects more loyal, and more zealously attached to his royal person, his family and government, than in the provinces of America, among all religious denominations. His majesty, however, went in person to the house, and gave the royal assent to the restraining and fishery bill, in the usual form. (1)

[Ap. 10.] In this season of publick discontent, when the minds "of all were agitated on one side or other, the city of London, not discouraged by the fate of all its applications for a number of years past, once more approached the throne with an address, remonstrance and petition, upon a subject; and in a manner as little calculated to obtain a favourable reception, as any of the preceding. In this remonstrance they recapitulated the whole catalogue of American grievances; declared their abhorrence of the measures which had been pursued, and were then pursuing; and justified the resistance to which the Americans had been driven, upon the great principles of the constitution; 'actuated by which,' they said, 'at the glorious period of the revolution, our ancestors transferred the imperial crown of these realms to the illustrious house of Brunswick.' They beseeched his majesty, immediately and forever to dismiss from his councils, those ministers and advisers who had been at the bottom of the preceding measures. His majesty delivered the following answer: 'It is with the utmost astonishment, that I find any of my subjects capable of encouraging the rebellious disposition which unhappily exists in my colonies in North America. Having entire confidence in the wisdom of my parliament, the great council of the nation, I will steadily pursue those measures which they have recommended, for the support of the constitutional rights of Great Britain, and the protection of the commercial rights of my kingdom.'" *Gord.*

[Ap. 27.] "Mr. *David Hartley*, (2) not discouraged by the negative which had been given to

(1) Mar. 30. by mistake it is stated in the note p. 158 as Mar. 13. The second restraining act, was passed Ap. 13, and not Mar. as stated in the note p. 161.

(2) That gentleman, held a conspicuous "rank in parliament; lived in the closest intimacy with the most eminent British statesmen of the time; concluded, as the minister plenipotentiary of Great Britain, the definitive treaty of 1783, with the United States; and though a zealous friend of justice and the injured colonies, established, with all parties at home, the character of a devoted patriot. The following is part of his speech on this motion.

"I WOULD WISH to state to the house, the merits of this question of requisitions to the colonies, and to see upon what principles it is founded; to revise the accounts between Great Britain and them. We hear of nothing now but the protection we have given to them; of the immense expense incurred on their account. We are told that they have done nothing for themselves; that they pay no taxes; in short, every thing is asserted about America to serve the present turn, without the least regard to truth. I would have these matters fairly sifted out.

"To begin with the late war,—of '56. The Americans turned the success of the war at both ends of the line. General Monckton took Beausejour in Nova Scotia, with fifteen hundred provincial troops, and about two hundred regulars. Sir William Johnson, in the other part of America, changed the face of the war to success, with a provincial army, which took Baron Dieskau prisoner. But, Sir, the glories of the war under the united British and American arms, are recent in every one's memory. Suffice it to decide this question; that the Americans bore, even in our judgment, more than their full proportion; that this House did annually vote them an acknowledgment of their zeal and strenuous efforts, and compensation for the excess of their zeal and expenses, above their due proportion. They kept, one year with another, twenty-five thousand men on foot, and lost in the war the flower of their youth. How strange it must appear to them, to hear of nothing down to the year 1763, but encomiums upon their active zeal and strenuous efforts; and then, no longer after than the year 1764, in such a trice of time, to see the tide turn, and from that hour to this, to hear it asserted that they were a burden upon the common cause; asserted even in that same parliament, which had voted them compensations for the liberality and excess of their service.

Mr. Burke's scheme, came forward with another for the same purpose. This proposed, that a letter of requisition should be sent to the colonies, by a secretary of state, on a motion from the house for a contribution to the expenses of the whole empire. He meant to leave to the provincial assemblies, the right to judge of the expedience of the grant, its amount and application. In confidence that the colonies would give freely, when called on in this constitutional way, he moved to *suspend* the acts complained of by the Americans. This was also rejected. Another plan, which shall be more particularly explained, was digested in private by Dr. Franklin on the part of the Americans, and Dr. Fothergill and David Barclay on behalf of the British ministry. There appeared a disposition; to concede something considerable on both sides; but the whole came to nothing, in consequence of an inflexible determination to refuse a repeal of the act of parliament for altering the chartered government of Massachusetts. Dr Franklin agreed, that the tea destroyed should be paid for—the British ministers, that the Boston port act should be repealed; but the latter contended, 'that the late Massachusetts acts, being real amendments of their constitution, must for that reason be continued, as well as to be a standing example, of the power of parliament.' On the other hand, it was declared by Dr. Franklin, 'that while the parliament claimed and exercised, a power of internal legislation for the colonies, and of altering American constitutions at pleasure, there could be no agreement; as that would render the Americans unsafe in every privilege they enjoyed, and would leave them nothing in which they could be secure.

"This obstinate adherence to support parliament, in a power of altering the laws and charters of the provinces; particularly, to enforce their late laws for new modelling the chartered constitution of Massachusetts, was the fatal rock, by dashing on which, the empire broke in twain; for

"Nor did they stint their services to North America. They followed the British arms out of their continent to the Havana, and Martinique, after the complete conquest of America. And so they had done in the preceding war. They were not grudging of their exertions—they were at the siege of Carthage:—yet, what was Carthage to them, but as members of the common cause, friends of the glory of this country? In that war too, Sir, they took Louisbourg from the French, single handed, without any European assistance; as mettled an enterprise as any in our history! an everlasting memorial to the zeal, courage, and perseverance of the troops of New England. The men themselves dragged the cannon over morasses, which had always been thought impassable, where neither horses nor oxen could go, and they carried the shot upon their backs. And what was their reward for this forward and spirited enterprise; for the reduction of this American Dunkirk? Their reward, Sir, you know very well—it was given up for a barrier to the Dutch. The only conquest in that war, which you had to give up, and which would have been an effectual barrier to them against the French power in America; though gained by themselves, it was surrendered for a foreign barrier. As a substitute for this, you settled Halifax for a place d'armes, leaving the limits of the province of Nova Scotia as a matter of contest with the French, which could not fail to prove, as it did, the cause of another war. Had you kept Louisbourg, instead of settling Halifax, the Americans could say, at least, that there would not have been that pretext for imputing the late war to their account. It has been their forwardness in your cause, that made them the objects of the French resentment. In the war of 1744, at your requisition, they were the aggressors on the French in America. We know the orders given to Mons. D'Anville, to destroy and lay all their sea port towns in ashes, and we know the cause of that resentment; it was to revenge their conquest of Louisbourg.

"Whenever Great Britain has declared war, they have taken their part. They were engaged in king William's wars, and Queen Anne's, even in their infancy. They conquered Acadia in the last century, for us, and we then gave it up. Again, in Queen Anne's war, they conquered Nova Scotia, which, from that time, has always belonged to Great Britain. They have been engaged in more than one expedition to Canada, ever foremost to partake of honour and danger with the mother country.

"Well, Sir, what have we done for them? Have we conquered the country for them from the Indians? Have we cleared it? Have we drained it? Have we made it habitable? What have we done for them? I believe, precisely nothing at all, but just keeping watch and ward over their trade, that they should receive nothing but from ourselves, at our own price. I will not positively say that we have spent nothing; though I don't recollect any such article upon our journals: but I mean any material expense in setting them out as colonists. The royal military government of Nova Scotia cost, indeed, not a little sum; above 500,000*l*. for its plantation, and its first years. Had your other colonies cost any thing similar either in their outset or support, there would have been something to say on that side: but, instead of that, they have been left to themselves for one hundred or one hundred and fifty years, upon the fortune and capital of private adventurers, to encounter every difficulty and danger. What towns have we built for them? What desert have we cleared? What country have we conquered for them from the Indians? Name the officers—name the troops—the expeditions—their dates. Where are they to be found? Not in the journals of this kingdom. They are no where to be found.

"In all the wars which have been common to us and them, they have taken their full share. But in all their own dangers, in the difficulties belonging separately to their situation, in all the

every other point in dispute between the two countries, seemed in a fair way for an amicable compromise." (1) *Ram*.

It has before been hinted, that the assembly of New York, refused to sanction or approve the measures of congress. "They disclaimed," says Mr. Gordon "all concern with the late continental congress, declined choosing delegates for the proposed New one, and in their own single capacity sent a petition to the king, a memorial to the lords, and a remonstrance to the house of commons. In the remonstrance, they represented the grievances under which they laboured, by the innovations that had been made in the constitutional mode of government since the close of the last war. They renounced the most distant desire of independence; acknowledged the supreme government of the British parliament over the whole empire, and their authority to regulate the trade of the colonies: remonstrated in the behalf of their brethren in the Massachusetts, for whose distresses they could not help feeling; but at the same time expressed their disapprobation of the violent measures pursued in some of the colonies. They claimed a restoration of those rights which they enjoyed before the close of the war; but without entertaining an idea of diminishing the power of the mother country, or lessening the dignity of parliament."

The probability of this rejection by that body, was communicated to ministers, after the meeting of parliament in January, and excited strong hopes, that this important colony would secede from the union; and was one main ground, upon which ministers abandoned their first thoughts of accommodation, which evidently prevailed after the proceedings of congress arrived in December, and until the meeting of parliament after the christmas recess, Jan. 20. at which time, they had received information that the New York legislature, would not sanction what had been done in congress.

(1) *The particular account of this negotiation, is inserted hereafter.*

Indian wars which did not immediately concern us, we left them to themselves to struggle their way through. For the whim of a minister, you can bestow half a million to build a town, and to plant a royal colony of Nova Scotia; a greater sum than you have bestowed upon every other colony together.

"And notwithstanding all these, which are the real facts, now that they have struggled through their difficulties, and begin to hold up their heads, and to show that empire which promises to be the foremost in the world; we claim them and theirs, as implicitly belonging to us, without any consideration of their own rights. We charge them with ingratitude, without the least regard to truth, just as if this kingdom had, for a century and a half, attended to no other object; as if all our revenue, all our power, all our thought had been bestowed upon them, and all our national debt had been contracted in the Indian wars of America; totally forgetting the subordination in commerce and manufactures, in which we have bound them, and for which, at least we owe them help towards their protection.

"Look at the preamble of the act of navigation, and every American act, and see if the interest of this country is not the avowed object. If they make a hat or a piece of steel, an act of parliament calls it a nuisance; a tilting hammer, a steel furnace, must be abated in America as a nuisance. Sir, I speak from facts. I call your books of statutes and journals to witness. With the least recollection, every one must acknowledge the truth of these facts.

"But it is said, the peace establishment of North America has been, and is, very expensive to this country. Sir, for what it has been, let us take the peace establishment before 1739, and after 1748. All that I can find in your journals is, four companies kept up at New York, and three companies in Carolina. As to the four companies at New York, this country should know best why they put themselves to that expense, or whether really they were at any expense at all; for these were companies of fictitious men. Unless the money was repaid into the treasury, it was applied to some other purpose; these companies were not a quarter full. In the year 1754, two of them were sent up to Albany, to attend commissioners to treat with the six nations, to impress them with a high idea of our military power; to display all the pomp and circumstance of war before them, in hopes to scare them; when in truth, we made a very ridiculous figure. The whole complement of two companies did not exceed thirty tattered, tottering invalids, fitter to scare the crows. This information I have had from eye witnesses.

"It has not fallen in my way to hear any account of the three Carolina companies; These are trifles. The substantial question is,—What material expense have you been at in the periods alluded to, for the peace establishment of North America? Ransack your journals, search your publick offices for army or ordnance expenses. Make out your bill, and let us see what it is. No one yet knows it. Had there been any such, I believe the administration would have produced it before now, with aggravation.

"But is not the peace establishment of North America now very high, and very expensive? I would answer that by another question: Why should the peace establishment since the late war, and the total expulsion of the French interest, be higher than it was before the late war, and when the French possessed above half the American continent? If it be so, there must be some singular reason.

"I cannot suppose that you mean under the general term of North America, to saddle all the expenses of Canada, Nova Scotia, Cape Breton, Newfoundland, Florida, and the West Indies,

"Much had been expected from her moderation, and great stress had been laid on the circumstance, that congress was not a *legal* assembly; and the want of constitutional sanction had been assigned, as a reason for the neglect with which their petition had been treated. Much praise had been lavished on the colony of New-York, and occasion had been taken, from their refusing to approve the proceedings of the congress, to represent the resolutions and claims of that body, to be more the ebullitions of incendiaries, than the sober sentiments of the temperate citizens." *Ram.*

That assembly however, although they declined at first, to go the whole length with congress, had afterwards, as before mentioned by Mr. Gordon, framed and agreed to a remonstrance to the house of commons, in which they stated "that an exemption from internal taxation, and the exclusive right of providing for their own civil government, and the administration of justice in the colony, were esteemed by them as their undoubted and unalienable rights." *Ibid.*

This intelligence was both unexpected and confounding to ministry; but they had now gone too far, to allow such a circumstance to change their resolution, for,

[May 15] Towards the close of the session, and after the restraining bills had both passed, Mr. *Burke*, entertaining strong hopes that the minister, finding all dependence on *New-York* gone, might relax in his tone and yet suspend those fatal measures, or at least parliament be induced to interfere, acquainted the house "with his having received a paper of great importance from the general assembly at New-York. He observed that it was a complaint, in the form of a remonstrance, against several acts of parliament, some of which they affirmed had established principles, and others had made regulations, subversive of the rights of English subjects. He afterward moved that it might be brought up,

Upon which lord *North* immediately moved this amendment to the motion, "in which remonstrance the assembly claim to themselves rights derogatory to, and inconsistent with the legislative authority of parliament, as declared by the declaratory act." The question, so amended, being put,

upon the old colonies of North America. You cannot mean to keep the sovereignty, the property, the possession (these are the terms of the cession in the treaty of 1763) to yourselves, and lay the expense of the military establishment, which you think proper to keep up, upon the old colonies.

"Sir, the colonies never thought of interfering in the prerogative of war or peace; but if this nation can be so unjust as to meditate the saddling the expense of your new conquests separately upon them, they ought to have had a voice in settling the terms of peace. It is you, on this side of the water, who have first brought out the idea of separate interests, by planning separate and distinct charges. It was their men and their money, which had conquered North America and the West Indies, as well as yours, though you seized all the spoils; but they never thought of dictating to you, what you should keep, or what you should give up, little dreaming that you reserved the expense of your military governments for them. Who gave up the *Havanna*? Who gave up *Martinique*? Who gave up *Guadaloupe*, with *Marigalanie*? Who gave up *Santa Lucia*? Who gave up the *Newfoundland* fishery? Who gave up all these without their consent, without their participation, without their consultation, and, after all, without equivalents? Sir, if your colonies had but been permitted to have gathered up the crumbs which have fallen from your table, they would gladly have supported the whole military establishment of North America.

"Your colonies have now shown you the value of lands in North America; and therefore you have vested in the crown the sovereignty, property, and possession of infinite tracts of land, perhaps as extensive as all Europe, which the crown may dispose of at its own price, as the land rises in America, and grants become invaluable; and to enable the crown to support an arbitrary, military government, till these lands rise to their future immense value, you are casting about to saddle the expense, either upon the American or the British supplies.

"This country is very liberal in its boasting, of its protection and parental kindness to America. It is for that purpose, that we have converted the province of Canada into an absolute and military government, and have established there the Romish church, so obnoxious to our ancient, and Protestant colonies. What security, what protection do they derive? In what sort are they the better for the conquest of the French dominions, if we take that opportunity to establish a government, civil, military, and ecclesiastical, in the utmost degree hostile to the government of our own provinces, and with the intent to set a thorn in their sides? Is this affection and parental kindness? Surely, you do not expect that they should be taxed and talliaged to pay for this rod of iron, which you are preparing for them!

"Now, Sir, I come to a point, in which I think you may be said to have given some protection, I mean the protection of your fleet, to the American commerce. And even here I am at a loss by what terms to call it; whether you are protecting yourselves or them. Theirs are your cargoes, your manufactures, your commerce, your navigation. Every ship from America is bound to Britain. None enter an American port but British ships and men. While you are defending the American commerce, you are defending Leeds and Halifax; Sheffield and Birmingham, Manchester and Hull, Bristol and Liverpool, London, Dublin, Glasgow. However, as our fleet does protect whatever commerce belongs to them, let that be set to the account. It is an argument to them as well as to us. As it has been the sole policy of this kingdom, for ages, by the operation of every commercial act of parliament, to make the American commerce totally subservient to our own convenience, the least that we owe to them in return is protection." *Walsh.*

Mr. Burke's motion passed in the negative, (186 to 67.) The fate of this representation, extinguished the hopes of those moderate persons, both in the parent state and the colonies, who flattered themselves, that the disputes subsisting between the two countries might be accommodated, by the *mediation* of the constitutional assemblies. Two conclusions were drawn from this transaction, both of which were unfriendly to a reconciliation. The decided language with which the loyal assembly of New-York, claimed exemption from parliamentary taxation, proved to the people of Great-Britain that the colonists, however they might differ in modes of opposition, or in degrees of warmth, were, nevertheless, united in that fundamental principle. The rejection of their representation proved, that nothing more was to be expected from proceeding in the constitutional channel of the legal assemblies, than from the new system of a continental congress. Solid revenue and unlimited supremacy were the objects of Great-Britain, and exemption from parliamentary taxation that of the most moderate of the colonies. So wide were the claims of the two countries from each other, that to reconcile them on any middle ground seemed to be impossible." *Ram.*

This treatment which the *New-York* remonstrance received in the house of commons, tended very much to decide the course of that colony afterwards, in favour of the general opposition in America; and the recommendations of congress finally prevailed there. The haughty rejection of their petition to the king, their memorial to the lords, and this remonstrance to the house of commons, convinced even those who had cherished the hope of producing accommodation, by milder measures than had been adopted by their sister colonies, that there was no medium, between resistance and absolute submission.

[May 17] "Lord Camden presented a petition to the house of lords, from the British inhabitants of the province of Quebec, in which they stated their grievances, and implored their lordships' favourable interposition, that the Quebec act might be repealed or amended, and that they might enjoy their constitutional rights, privileges, and franchises. His lordship, after expatiating on the evils of the act, proposed a bill, which was read, for the repeal of the late act. This measure was strongly opposed by administration, and a motion was made by lord Dartmouth that the bill be rejected, which was carried by a majority of 60 out of 88, there being only twenty eight lords who supported the bill. Much censure having been expressed or implied, both within doors and without, relative to the whole conduct of the bishops in the Canada transactions, the reverend father of that bench stood up during the debate, to justify the Quebec act so far as it related to religious matters, which he did upon the principles of toleration, the faith of the capitulation, and the terms of the definitive treaty of peace, but many were far from being convinced, that these principles required such a full and perfect establishment of the popish religion, as granted by the act itself." *Gord.*

[May 18] Sir *Geo. Saville* made another attempt, on a *petition* of the inhabitants of *Quebec*, to arrest the course of desperation which ministry was pursuing; but this motion was rejected by a majority of 174 to 86. In the debate, the minister avowed his intention, if it should become necessary, of arming the Canadians against the other colonies. But he declared his firm persuasion, that the troubles in America would be speedily and happily settled, without blood-shed.

In short, all attempts to stay these penal bills against the trade of the colonies, or for conciliation, failed; ministers had fully persuaded themselves, that they would accomplish what the Boston port act, and the others which had been passed in the spring of 1774, had not performed; and if not, that the *forces* which were to accompany them under gen. *Sir William Howe*, with those already in America, would effect it by the bayonet.

Beside the "restraining acts" &c. prohibiting the "trade and fisheries &c of the colonies;" and voting additional land and sea forces, an act was passed at this session, "to amend and render more effectual, in his majesty's dominions in America, "the act for punishing *mutiny*, &c. and for the payment of the army, and their quarters, and extending the provisions thereof to his majesty's marine forces in America." (1)

It enacts, that where barracks provided by the colonies, are not sufficient to contain the officers and troops, or where the barracks are not so situated as to answer the purpose, for which the troops are stationed; it shall be lawful to *billet* the officers and soldiers, for whom there shall not be room in the barracks, or the whole where there are no barracks, or not in the proper place, in inns, livery stables, ale and victualling houses, and the houses of wine sellers by retail, or of persons selling rum, brandy, cyder, strong waters, or metheglin, by retail, &c.

It provides also, for compelling the inhabitants of villages, to find carriages for marching troops, &c. at a fixed price.

It further enacts, that persons as aforesaid on whom officers and soldiers are billeted, shall furnish them with diet, cyder, small beer, or rum and water, at *certain* prices, &c. to be paid out of their subsistence money, &c. with many other regulations.

It may be observed, that the mutiny act, is an *annual* bill, providing for the quarters, discipline, and *pay* of the army.

Upon its revival every year, depends the existence of the vast military establishments of the kingdom. A refusal to pass it, would be to disband all the land forces throughout the empire. The commons are very tenacious of this ostensible controul over the military; and nominally exercise it, by the recurrence every year of a necessity on the part of the crown, to apply for the re-enactment of the mutiny bill, providing for quarters, discipline, and *pay*. In practice however, it is of course done; a refusal would dissolve the government: theoretically therefore, there is no *standing* army under the British constitution; but in fact, it is a necessary and perpetual institution.

The extension of this act to the colonies, in so far as respected *quarters*, and compelling each one in which troops were garrisoned, to supply certain articles of *subsistence*, was deemed an oppressive tax and grievance: (see *pages* 28 86.) The foregoing act, (in addition to former regulations,) compelled *certain* descriptions of persons, to quarter the military in their houses, at a fixed price; to be paid from the subsistence money of the soldiers: the act was considered as nothing less than, an exertion of the most despotick power, attended with flagrant insult to the feelings of Americans; and coupled with the other measures of this year, confirmed them in the belief, that they were held in utter scorn, as well as doomed to galling slavery.

In the *preceding* spring of 1774, when those acts of parliament, (the Boston port act, &c.) passed for punishing Massachusetts; they also were accompanied with a *supplement* to the mutiny act, in respect to *quartering* soldiers in the colonies; (see *p.* 86.) This at the time, was deemed a very grievous innovation on the liberties of the country, and loudly opposed in parliament, as well as in America; but it was carried through by ministerial majorities, as necessary to the execution of the other penal measures; and as establishing a more perfect, and permanent military power in the provinces. (1).

(1) That act passed in *June* 1774, was not to be compared in point of severity, with the one just now recited; yet it was considered of so dangerous a character, as to call up particular opposition from lord *Chatham*, whose indisposition had prevented him from opposing the passage of the port act; alteration of the charter, &c.

For the gratification of those who feel a curiosity in whatever *fell* from the lips of that great orator, as well as because it is part of the history of the times; I shall insert here (though not in its proper place,) the account we have of his speech, in opposition to the bill of 1774, for quartering soldiers in America.

LORD CHATHAM'S SPEECH.

"ON THE BILL AUTHORIZING THE QUARTERING OF BRITISH SOLDIERS ON THE INHABITANTS OF BOSTON. *May* 27. 1774.

"Conformably to the scheme of rigorous coercion which the administration of Lord North had determined to pursue against the refractory colonies, a bill authorizing the quartering of soldiers on the inhabitants of Boston, was introduced into the house of lords on the 27th of May, 1774.

"During the two preceding sessions, lord Chatham had withdrawn from parliament, in utter despair of opposing with any prospect of success, the large, resolute, and united majorities of the ministry.

"But this bill being considered by him, as especially calculated to inflame the temper of the Americans, already alarmingly excited, and even indeed, to drive them to the violence of open revolt; he was induced once more to come forward, and by the exertion of his eloquence, to endeavour to frustrate the perilous measure, and thus to stay the current of disasters, which he saw was ready to break upon the empire.

"The speech was of no avail. *Chapman.*

SPEECH, &c.

"MY LORDS,

"The unfavourable state of health under which I have long laboured, could not prevent me from laying before your lordships, my thoughts on the bill now upon the table, and on the American affairs in general.

"If we take a transient view of those motives, which induced the ancestors of our fellow subjects in America to leave their native country, to encounter the innumerable difficulties of the unexplored regions of the western world, our astonishment at the present conduct of their descendants will naturally subside. There was no corner of the world, into which men of their free and enterprising spirit would not fly with alacrity, rather than submit to the slavish and tyrannical principles, which prevailed at that period in their native country. And shall we wonder, my

[May 26] "The *Speaker*, when he presented the money bills for the royal assent, gave an assurance in his speech to his majesty, that if the Americans persisted in their resolutions, and the sword must be drawn, the commons would do every thing in their power to maintain and support the supremacy of this legislature.

"The king gave his royal assent to the several bills, both publick and private, which remained to be passed into acts; and closed the session by a speech from the throne, in which he expressed the most perfect satisfaction in the conduct of the parliament, during the course of their session; and his persuasion, that the most salutary effects must, in the end, result from measures formed and conducted on such principles, as those on which they had acted. A favourable representation was made of the pacifick disposition of other powers, and the usual assurance given of endeavouring to secure the publick tranquillity." *Gord.*

Thus were the measures of parliament and the English cabinet, marked with no less of rage and unrelenting severity, towards the colonies in the spring of 1775, than in that of 1774.

Notwithstanding they had seen the utter inefficacy of "penal bills"—intended to impoverish, and enslave a single province, "though backed by an armed power" in the preceding year; yet now in this, the supreme folly and wickedness is repeated, of another set of bills, levelled against the colonies, to cut off the sources of their subsistence, and the British navy let loose, to execute these edicts.

Beside which, as before, several thousand additional troops were voted to reinforce general Gage at Boston, who had passed a very uncomfortable winter, had been defeated at Lexington, and was at this time actually hemmed up in that place, by an army of fifteen thousand provincial troops.—(1)

It was still weakly imagined, even after experience of the nullity of these paper schemes, in the preceding year, that *declarations* of "rebellion," and acts against "trade," would disarm Ameri-

(1) *It should be remembered here, that immediately after the passage of the 1st restraining bills, Mar. 28. Generals Howe, Clinton and Burgoyne, sailed in the Cerberus frigate, for Boston; and not long after, the transports with troops from Cork, to reinforce Gen. Gage.*

lords, if the descendants of such illustrious characters spurn, with contempt, the hand of unconstitutional power, that would snatch from them such dear bought privileges as they now contend for? Had the British colonies been planted by any other kingdom than our own, the inhabitants would have carried with them the chains of slavery, and spirit of despotism; but as they are, they ought to be remembered as great instances to instruct the world, what great exertions mankind will naturally make, when they are left to the free exercise of their own powers. And my lords, notwithstanding my intention to give my hearty negative to the question now before you, I cannot help condemning in the severest manner, the late turbulent and unwarrantable conduct of the Americans in some instances, particularly in the late riots of Boston. But, my lords, the mode which has been pursued to bring them back to a sense of their duty to their parent state, has been so diametrically opposite to the fundamental principles of sound policy, that individuals possessed of common understanding, must be astonished at such proceedings. By blocking up the harbour of Boston, you have involved the innocent trader in the same punishment, with the guilty profligates who destroyed your merchandize; and instead of making a well concerted effort to secure the real offenders, you clap a naval and military extinguisher over their harbour, and punish the crime of a few lawless depredators and their abettors, upon the whole body of the inhabitants.

"My lords, this country is little obliged, to the framers and promoters of this tea tax. The Americans had almost forgot, in their excess of gratitude for the repeal of the stamp act, any interest but that of the mother country; there seemed an emulation among the different provinces, who should be most dutiful and forward, in their expressions of loyalty to their real benefactor; as you will readily perceive by the following letter from governor Bernard, to a noble lord then in office.

"The house of representatives," says he, "from the time of opening the session to this day, has shown a disposition to avoid all dispute with me; every thing having passed with as much good humour as I could desire. They have acted, in all things, with temper and moderation; they have avoided some subjects of dispute, and have laid a foundation for removing some causes of former altercation."

"This, my lords, was the temper of the Americans; and would have continued so, had it not been interrupted, by your fruitless endeavours to tax them without their consent: but the moment they perceived your intention was renewed to tax them, under a pretence of serving the East India company, their resentment got the ascendant of their moderation, and hurried them into actions contrary to law, which, in their cooler hours, they would have thought on with horror: for I sincerely believe, the destroying of the tea was the effect of despair.

"But, my lords, from the complexion of the whole of the proceedings, I think that administration has purposely irritated them into those late violent acts, for which they now so severely smart; purposely to be revenged on them for the victory they gained, by the repeal of the stamp

ca; and reduce 3 millions of people, united and resolved, with arms in their hands, and courage to use them, and above all, with justice on their side;—to abject slavery.

Never was infatuation more conspicuous, than in not seizing upon the *terms* offered by *congress* for conciliation. Such had been the natural progress to independence in America, precipitated almost to consummation, by the conduct of England since 1763; that the occasion now presented to her to arrest its course, and even with honour, seemed hardly within the compass of possibilities.

Yet so it was, that after 11 years of persecution, all kinds of indignity and suffering, and under the pressure and excitement, produced by existing acts of coercion; the *whole* people of America, represented in one of the most wise and honourable assemblies which ever sat, *proffered* to Great Britain, “eternal allegiance, love, and loyalty,” on the single condition, of abandoning her contemptible and inefficient *revenue* acts, and forbearing to interfere in a harsh and unconstitutional manner, in the interior, and domestick governments and concerns of the colonies! demanding no change in the royal government and prerogatives, nor relaxation in the laws of trade, and commercial restrictions; nor questioning the rights of Great Britain to all the advantages of that monopoly, which these restrictions established in America. Doubtless, had the king and parliament received these petitions with respect and kindness; abolished the offensive, or the most offensive statutes; and sought for “peace in the spirit of it;” America would have been subdued; vanquished—by mere acts of justice, considered as favours, and have settled down for some long period, in the relation of colonies.

They stood bound to the *conditions* now of their own making, reduced to precision, and no longer capable of being stretched to undefinable dimensions; adding to the implied obligations of

act: a measure to which they seemingly acquiesced, but at the bottom they were its real enemies. For what other motive could induce them to dress taxation, that father of American sedition, in the robes of an East India director, but to break in upon that mutual peace and harmony, which then so happily subsisted between them and the mother country.

“My lords, I am an old man, and would advise the noble lords in office, to adopt a more gentle mode of governing America; for the day is not far distant, when America may vie with these kingdoms, not only in arms, but in arts also. It is an established fact, that the principal towns in America are learned and polite, and understand the constitution of the empire, as well as the noble lords who are now in office; and, consequently, they will have a watchful eye over their liberties, to prevent the least encroachment on their hereditary rights.

“This observation is so recently exemplified in an excellent pamphlet, which comes from the pen of an American gentleman, that I shall take the liberty of reading to your lordships his thoughts, on the competency of the British parliament to tax America, which, in my opinion, puts this interesting matter in the clearest view.

“‘The high court of parliament,’ says he, ‘is the supreme legislative power over the whole empire; in all free states the constitution is fixed; and as the supreme legislature derives its power and authority from the constitution, it cannot overleap the bounds of it, without destroying its own foundation. The constitution ascertains and limits both sovereignty and allegiance; and therefore his majesty’s American subjects, who acknowledged themselves bound by the ties of allegiance, have an equitable claim to the full enjoyment, of the fundamental rules of the English constitution; and that it is an essential, unalterable right in nature, ingrafted into the British constitution as a fundamental law, and ever held sacred and irrevocable by the subjects within this realm, that what a man has honestly acquired, is absolutely his own; which he may freely give, but which cannot be taken from him without his consent.’

“This, my lords, though no new doctrine, has always been my received and unalterable opinion, and I will carry it to my grave—that *this country had no right under Heaven to tax America*. It is contrary to all the principles of justice and civil policy, which neither the exigencies of the state, nor even an acquiescence in the taxes, could justify upon any occasion whatever. Such proceedings will never meet their wished for success; and, instead of adding to their miseries, as the bill now before you most undoubtedly does, adopt some lenient measures, which may lure them to their duty; proceed like a kind and affectionate parent over a child whom he tenderly loves; and, instead of those harsh and severe proceedings, pass an amnesty on all their youthful errors; clasp them once more in your fond and affectionate arms; and I will venture to affirm, you will find them children worthy of their sire. But should their turbulence exist, after your proffered terms of forgiveness, which I hope and expect this house will immediately adopt, I will be among the foremost of your lordships to move for such measures, as will effectually prevent a future relapse, and make them feel what it is to provoke a fond and forgiving parent! a parent my lords, whose welfare has ever been my greatest and most pleasing consolation. This declaration may seem unnecessary; but I will venture to declare, the period is not far distant, when she will want the assistance of her most distant friends: but should the all disposing hand of Providence prevent me from affording her my poor assistance, my prayers shall be ever for her welfare—*Length of days be in her right hand, and in her left riches and honour; may her ways be the ways of pleasantness, and all her paths be peace!*

colonial dependance and fidelity, the sacred bonds of a solemn compact, framed and ratified, by their immediate representatives, under all the sanctions which full authority, and plighted faith and honour could give. (1)

The golden occasion, however was lost to England; and never was the adage more truly verified,—“*quos deus vult perdere, priusquam dementat,*” than in the conduct of her statesmen at this moment:

They preferred scenes of civil war;—war upon their own subjects, with all the dangers of foreign interference; certain and great calamities, with the possibility of national ruin:—At the very time parliament closed its session, (in May of this year,) and when those futile acts, accompanied by the *Cork fleet* with troops, were on their passage to America; the battle of *Lexington* had been fought; forts *Ticonderoga*, and *Crownpoint* captured; gen. *Gage* blockaded by a provincial army in Boston; and a new congress had convened at Philadelphia, preparing for war, if peace could not be obtained but at the price of their liberties!

Such let it be repeated, was the incredible madness, which urged forward the British nation and councils, at this crisis; to pursue schemes of blood and force; doubtful at least in their success; and even if successful, rendering the prize worthless.

And this, rather than to receive back their estranged colonies, offering to return to the arms of the parent kingdom, on the simple condition of enjoying their accustomed rights, of internal government and exemption from direct taxes; leaving England in full possession, of executive and legislative government in every colony, as fully as she possessed it previous to 1763; with an explicit acknowledgment of her right to regulate *trade*, restrain, and burden it at pleasure:—a right infinitely more important to England, than all the rest; and through the medium of which, all the rest was virtually attained!

In the address of congress to the people of Great Britain, they summed up their wishes in the following words: “place us in the same situation that we were in, at the close of the last war, (1763,) and our former harmony will be restored.” And in their “petition to the king,” one of the most impressive, solemn, and eloquent state papers extant, they “begged leave to lay their grievances before the throne;” and after a particular enumeration of these, they observed, “that they wholly arose from a destructive system of colony administration, adopted since the conclusion of the last war. They assured his majesty, that they had made such provision for defraying the charges of the administration of justice, and the support of civil government, as had been judged just and suitable to their respective circumstances; and that for the defence, protection and security of the colonies, their militia would be fully sufficient in time of peace; and in case of war they were ready and willing, when constitutionally required, to exert their most strenuous efforts in granting supplies and raising forces. They said, ‘we ask but for peace, liberty and safety. We wish not a diminution of the prerogative, nor do we solicit the grant of any new right in our favour. Your royal authority over us, and our connexion with Great Britain, we shall always carefully and zealously endeavour to support and maintain.’ They then solicited for a redress of their grievances, which they had enumerated, and appealing to that Being, who searches thoroughly the hearts of his creatures, they solemnly professed, ‘that their counsels had been influenced by no other motives, than a dread of impending destruction.’ They concluded with imploring his majesty, ‘for the honour of Almighty God, for his own glory, for the interests of his family, for the safety of his kingdoms and dominions, that as the loving father of his whole people, connected by the same bonds of law, loyalty, faith and blood, though dwelling in various countries; he would not suffer the transcendent relation formed by these ties, to be farther violated by uncertain expectation of effects, that if attained, never could compensate for the calamities through which they must be gained.’ (2)

Yet such was the settled purpose of the king and his councils, to maintain their claims, and refuse all terms short of implicit submission to every act of the government, and particularly *taxation*; that even this *petition*, was not allowed to be presented to the king, by the American *agents*; his majesty saying, that he could not possibly receive any thing which came from that body, as such a step would be to acknowledge its legality.

“The contest (says the writer of lord North’s administration) between Great-Britain and her colonies, was now unavoidably to be decided by the sword: and the attention of all Europe was

(1) See the declaration of rights ante 115. Resolution of congress, Oct. 5. p. 135. Petition to the king, p. 138. (2) The conditions on which congress offered reconciliation, are precisely stated in their resolutions, Oct. 5, 1774.

drawn to a dispute, so new in its nature and important in its consequences. The pre-eminence which that country had gained over all other states, could not be beheld, even by her allies, without some degree of envy; but to those powers in whom a prescriptive rivalry and ill will subsisted, it was beheld with impatience. This rupture, therefore, was attended to with the most interested eagerness, and the wishes of all Europe, if we except some German principalities, may be said to have been favourable to the cause of America. The Baron de Montesquieu, whom the past age received as an oracle, and whom some living writers of our own nation consider as a fanciful politician, remarks, that "such powers as are established by commerce, may subsist for a long series of years in their humble condition, but their grandeur is of short duration. They rise by little and little, and in an imperceptible manner, for they do not perform any great exploit, which may make a noise and signalize their power; but when they have once raised themselves to so exalted a pitch, that it is impossible but all must see them, every one endeavours to deprive such a nation of an advantage, which they had snatched as it were from the rest of the world." A desire of seeing a haughty nation humbled, might therefore tend more to promote this disposition, than an attention to the merits of the cause. (1)

(1) I cannot close these brief reflections, upon the acts and *professions* of the first congress, without adverting to the charge which has been made against their *sincerity*: that the *British* ministry, should inculcate so black a calumny, and the British people, generally ignorant of facts and determined by blind prejudices, should believe in it, is not surprising: but it is matter of wonder and regret, that any disinterested historian, and especially one of Mr. *Botta's* literary rank and personal consideration, should be supposed, in his late "history of the war of the independence of the U. States," to entertain and inculcate this opinion; so derogatory to the character and honour of this assembly; and fixing if it were true, a most indelible blot upon the *American* name and cause.

That previous to the assembling of this congress, individuals, and even one or two collective bodies, actuated by high notions of theoretical right, or smarting under the effects of local severities, had asserted the necessity of independence, and advocated its justice, may possibly be shown.

But certainly, a careful review of the situation, temper, and conduct of the colonies at large, and of the sentiments of the leading men and great body of citizens in each, as exhibited in all the respectable popular writings and official acts of the times, prior to the session of the first congress; can never authorise the belief, that "independence" was then contemplated, much less the very object in view. But when the several commissions and instructions, from the assemblies and conventions of the people, to their delegates in this congress, given without concert, and at different periods, are reviewed, with not a single exception, expressing the most ardent loyalty, and aspiring to nothing but redress of grievances, and reconciliation; can it be imagined, that these representatives, were to understand them in a different sense; and that their constituents meant nothing else, but that under professions of loyalty, peace, and redress of wrongs; they should forward schemes of rebellion, civil war, and independence?—But what are we to say of the *declarations*, and the solemn and repeated asseverations of the congress itself.

Besides, they stated their claims, reduced them to precision; they amounted to nothing, inconsistent with dependence; and it was not improbable, under all circumstances, that Great Britain might accede to them; would any men possessing such designs as are supposed, have acted so weak a part, as to propose terms of everlasting obligation upon themselves and their constituents, the very reverse of independence, if that was the grand intention.

But is no faith to be reposed on the consciences, and the individual integrity and honour of *such* men, as composed this American assembly?

Let any citizen of these states examine the *names*, and contemplate the characters which filled it, and then read over their often repeated resolves and professions, before God and the world, that they desired not independence, but redress of wrongs, and to remain in the relation of loyal and affectionate subjects of Great Britain; and then say if it is to be credited, that they were a band of impostors, breathing peace and fidelity, yet secretly plotting, and intending treasons and war!

It is no purpose of mine, to examine this point, but to advert to it: The scope and intention of my *notes*, lead to no such investigations; they affect not to enter into these boundless dissertations, but simply to exhibit a naked account of facts, and events; leaving it to readers, and professed historical *writers*, to draw inferences, and make applications.

It would be easy I think, to disprove the charge of insincerity, attributed to this body conclusively, by recurrence to evidences of every other kind, not relying on their own acts and professions; But as I have observed, this falls not within the range of my work: Those who may wish to see this heavy *imputation* combated with equal force and elegance, may find it discussed in "Vol. 4. No. I. new series of the North American review, art. ix. p. 169," being a review of Mr. *Botta's* history, &c.

TO THE READER.

IN the foregoing pages, it will be seen that the controversy between England and the colonies, beginning in 1764, on the question of "*internal taxation*," and inflamed subsequently, by various other alledged oppressions growing out of the parent stock, is brought to the month of *May*, in this year.

Ministers had rejected all overtures made by the 1st congress in *Oct.* preceding, and at this time, completed their newly devised system against the trade and fisheries of the colonies; in addition to the laws passed the year preceding against Boston and Massachusetts; and the session of parliament closed the 26th of *May*.

According to a resolution of the *first* congress, (*Oct. 22, 1774. See p. 131.*) the *second* congress met on the 10th of this month, (*May, 1775,*) to deliberate on the state of the country; and to pursue such course as the crisis demanded, taking into view what had occurred in the colonies since the first congress rose, (a lapse of 7 months;) and what had been resolved on and done in Great Britain, within the same period.

It would appear at first view, to be the natural order, as parliament closed in this month and congress met in the same, to proceed with the measures of the latter body; as issue seemed joined at this precise period, and the cause now on the part of the colonies, became and was conducted, as a *national* or continental question with England.

And certainly, the transactions in this body, and subsequent events from this month, would exhibit a continuity of the general and most important features, in the progress of the revolution to its end.

But before proceeding to the acts of the 2d congress, and what followed on both sides of the Atlantick from this period, it is proper for me to devote some pages,

FIRST—To *elucidations*, in several instances, and *corrections* in others, of matters stated or referred to in the foregoing notes.

SECOND—To *continue* the account of *colonial* transactions, from the meeting of the *first* congress *Sep. 1774*, to that of the second at this time.

The reader will have observed, that no notice has been taken of these. The first congress rose in *Oct. 1774*, their proceedings were transmitted to London, where the new parliament was sitting, when they arrived in *December*.

It was confidently expected in America, that some accommodation would grow out of the overtures and petition of that congress: but as has been shown, ministers and parliament were deaf to petitions, and employed the time from *Jan.* to *May* of this year, not in the work of pacification, but in preparing to enforce the system commenced against Massachusetts and the colonies, in the year before, by new and powerful punishments; accepting nothing short of implicit submission: It was this *ultimatum*, and the whole of British measures and American wrongs, which were now to come before the present congress on the 10th of this month. Still however in the interval, from the meeting of the 1st congress in *Sep. 1774*, to this time, many *local* events of great importance had transpired in Massachusetts and other places, all tending to the same fatal issue on this side of the Atlantick, as those of the British cabinet on the other.

Of these no account is given, the narrative of *colony* transactions being dropped, *Sep. 6. 1774*, with the *Suffolk* co. resolutions, and meeting of the first congress at that time. It is the relation of these events of 7 months, from the fortifying *Boston neck* by general *Gage*, to the capture of *Ticonderoga* and *Crown-point*, (on the very day of this year when the 2d congress met,) which is to occupy this *second* part of the appendix.

Readers, who are incurious as to the additional and explanatory matter of the *first* part of it; or to the local occurrences, in Massachusetts and other places, after the first congress met, which is to fill the *second* part; may at once pass over the *appendix*, to the proceedings of the 2d congress.

The *running title*, is therefore continued on, from the last proceedings in parliament, *May 26*, to the first proceedings in congress *May 10*, of this year, forming a complete continuation of *national* transactions on both sides.

APPENDIX—Part 1st.—*Miscellaneous.*No. 1. *Franklin's Negotiation 1774—5.*

Previous to the meeting of parliament, in *Jan.* this year, ministers not being absolutely confident in their plans of coercion, affected and probably felt, desirous of some accommodation.—At least they wished to possess this alternative, if they found themselves impeded in their more favourite scheme of compulsion, by obstacles in parliament.

For they well knew the *minority* were powerful in talents, and active; that all the mercantile, shipping, and manufacturing classes were against them; and that it depended on a mere calculation of the *cost* of reducing the colonies to taxation, to determine the *landed* interest: To be prepared therefore, “they opened a communication with *Dr. Franklin* by means of informal agents, to mature some plan of eventual pacification: He acceded to the negotiation, and pursued it laboriously for many weeks; sketching various plans, explaining them in detail, and always stipulating for the colonies an unequivocal acknowledgment of their rights, and full redress of their grievances. It is not probable, that he indulged at any moment a hope of reconciliation; but the opportunity was favourable, for an impressive exposition of the merits of the colonial cause, and a deeper insight into the dispositions and aims of the British government.”

It is this treaty, to which allusion is made at p. 192 *ante*.

It is apparent, that ministers artfully appeared to *concede* much; but took care to insist on *one* point, which they *knew* would never be agreed to; “the holding of charters, and constitutions of the several colonies, as mere wax in their own hands.”—It comprehended every other thing; and they could not but know it would be treated, as most insulting mockery.

Only admit the right of parliament to make anew their forms of government; and all colonial liberties would be extinguished!

The question did not *now* turn with the English cabinet, on the point of laying *taxes*. Grenville's and Townshend's, and North's respective attempts, were considered futile and impolitic: the right of taxing was merely held out as a stalking horse for the landed interest. It became necessary, to lay hold of the internal *governments* of the colonies, by rendering them less popular, as the only means to ensure subordination and dependence. See p. 146.

The king and his ministers had resolved upon this, in the spring of 1774; and begun with the Massachusetts government; changing it in fact, so as to place the whole power, executive, legislative, and judicial, under British control.

The following is an account of the negotiation, with the articles, *pro.* and *con.*

“WHILE the breach between Great Britain and the colonies was daily increasing, the enlightened and liberal, who loved peace and the extension of human happiness, saw with regret the approaching horrors of a civil war, and wished to avert them. With these views, Dr. Fothergill, Mr. David Barclay and Dr. Franklin, held sundry conferences in London on American affairs. The two former were English gentlemen of most amiable characters, and highly esteemed by the British ministry. The last was by birth an American, but a citizen of the world, who loved and was beloved by all good men. He was also agent for several of the colonies. At one of their conferences held at the house of Dr. Fothergill, on the 4th December 1774, before the proceedings of congress had reached England—a paper drawn up by the last, at the request of the two first, was submitted to their joint consideration, which, with a few additions proposed and agreed to by common consent, was as follows:

“Hints for conversation upon the subject of terms, that might probably produce a durable union between Britain and the colonies.

“1st. The tea destroyed to be paid for.

“2d. The tea duty act to be repealed, and all the duties that have been received upon it, to be repaid into the treasuries of the several provinces, from which they have been collected.

“3d. The acts of navigation to be all re-enacted in the colonies.

“4th. A naval officer to be appointed by the crown, to see that these acts are observed.

“5th. All the acts restraining manufactures in the colonies, to be re-considered.

“6th. All duties arising on the acts for regulating trade with the colonies, to be for the publick use of the respective colonies, and paid into their treasuries.

“The collectors and custom-house officers to be appointed by each governor, and not sent from England.

“7th. In consideration of the Americans maintaining their own peace establishment, and the monopoly Britain is to have of their commerce, no requisition is to be made from them in time of peace.

“8th. No troops to enter and quarter in any colony, but with the consent of its legislature.

“9th. In time of war, on requisition by the king with consent of parliament, every colony shall raise money by the following rules in proportion, viz. If Britain, on account of the war, raises three shillings in the pound to its land tax, then the colonies to add to their last general provincial peace tax, a sum equal to one fourth part thereof; and if Britain on the same account pays four shillings in the pound, then the colonies to add to their last peace tax, a sum equal to the half thereof; which additional tax is to be granted to his majesty, and to be employed in raising and paying men for land or sea service, and furnishing provisions, transports, or for such other purposes as the king shall require and direct, and though no colony may contribute less, each may add as much by voluntary grant as it shall think proper.

“10th. Castle William to be restored to the province of Massachusetts Bay, and no fortress to be built by the crown in any province, but with the consent of its legislature.

APPENDIX—Part 1st.—*Miscellaneous.*

"11th. The late Massachusetts and Quebec acts to be repealed, and a free government granted to Canada.

"12th. All judges to be appointed during good behaviour, with equally permanent salaries, to be paid out of the province revenues, by appointment of the assemblies: or if the judges are to be appointed during the pleasure of the crown, let the salaries be during the pleasure of the assemblies as heretofore.

"13th. Governors to be supported by the assemblies of each province.

"14th. If Britain will give up her monopoly of the American commerce, then the aid above-mentioned to be given in time of peace, as well as in time of war.

"15th. The extension of the act of Henry the 8th, concerning treasons, to the colonies, to be formally disowned by parliament.

"16th. The American admiralty courts to be reduced to the same powers they have in England, and the acts establishing them, to be re-enacted in America.

"17th. All power of internal legislation in the colonies, to be disclaimed by parliament.

"On reading this paper a second time, Dr. Franklin gave his reasons at length for each article. Some of them were as follows.

"On the first article he observed, that when the tea was destroyed at Boston, Great Britain had a right to reparation, and would certainly have had it on demand, as was the case when injuries were done by mobs in the time of the stamp act: or she might have a right to return an equal injury if she rather chose to do that; but Great Britain could not have a right both to reparation and to return an equal injury, much less had she a right to return the injury ten or twenty fold, as she had done by blocking up the port of Boston. All which extra injury ought to be repaired by Great Britain. That therefore, if paying for the tea was agreed to as an article fit to be proposed, it was merely from a desire of peace, and in compliance with the opinions of Dr. Fothergill and David Barclay, expressed at their first meeting—that this was indispensable, that the dignity of Great Britain required it, and that if this was agreed to, every thing else would be easy.

"On the second, it was observed that the tea duty act should be repealed, as having never answered any good purpose, as having been the cause of the present mischief, and never likely to be executed. That the act being considered as unconstitutional by the Americans, and what parliament had no right to enact, they must consider all the money extorted by it as so much wrongfully taken, and of which, therefore, restitution ought to be made, and the rather as it would furnish a fund, out of which the tea destroyed would be best defrayed.

"On the third and fourth articles it was observed, that the Americans were frequently charged with views of abolishing the navigation act, but that in truth those parts of it which were of most importance to Britain, as tending to increase its naval strength, were as acceptable to the colonists as they could be to the inhabitants of the parent state, since they wished to employ their own ships in preference to those of foreigners, and they had no desire to see foreign ships enter their ports. That it would prevent disputes if they were re-enacted in the colonies, as that would demonstrate their consent to them; and then, if all the duties arising on them were to be collected by officers, appointed and paid in the respective governments, and the produce paid into their treasuries; the acts would be better and more faithfully executed, and at much less expense, and a great source of misunderstanding between the two countries removed—that the extension of the admiralty jurisdiction so much complained of, would then no longer be necessary.

"In support of the 7th article it was observed, that if every distinct part of the king's dominions supported its own government in time of peace, it was all that could justly be required of it.—That all the old or confederated colonies had done so from their beginning, that their taxes for that purpose were very considerable, that new countries had many expenses which old ones were free from, the work being done to their hand by their ancestors, such as making roads and bridges, erecting churches, court-houses, forts, quays and other publick buildings, founding schools and places of education, hospitals and alms-houses—that the voluntary subscriptions and legal taxes for such purposes taken together, amounted to more than was paid by equal estates in Great Britain; that it would be best not to take money from the Americans, as a contribution to its publick expense in time of peace; first, for that just so much less would be got from them in commerce; and secondly, that coming into the hands of British ministers accustomed to prodigality of publick money, it would be squandered and dissipated without answering any general good purposes. That on the whole it would be best for both countries, that no aids should be asked from the colonies in time of peace, that it would then be their interest to grant bountifully, and exert themselves, in time of war, the sooner to put an end to it.

"In support of the 8th article, it was said, that if the king could bring into any one part of his dominions, troops raised in any other part of them, without the consent of the legislature of the part to which they were brought, he might bring armies raised in America to England, without the consent of parliament.

"The 9th article was drawn in compliance with an idea of Dr. Fothergill, that the British government would probably not be satisfied, with the promise of voluntary grants in time of war, from the American assemblies, of which the quantity must be uncertain; that therefore it would be best to proportion them in some way, to the shilling in the pound raised in England.

"In support of the 10th article was urged, the injustice of seizing that fortress which had been built at an immense charge by the province, for the defence of their port against national enemies, and turning it into a citadel for awing the town, restraining their trade, blocking up their port, and depriving them of their privileges. That a great deal had been said of their injustice in destroy-

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ing the tea, but here was a much greater injustice uncompensated, that castle having cost the province 300,000l.

"In support of the 11th article, it was said, that as the Americans had assisted in the conquest of Canada, at a great expense of blood and treasure, they had some right to be considered in the settlement of it; that the establishing an arbitrary government on the back of their settlements, would be dangerous to them all. That as to amending the Massachusetts government, though it might be shown that every one of these pretended amendments were real mischiefs, yet, that as charters were compacts between two parties, the king and people, no alteration could be made in them even for the better, but by the consent of both parties; that the parliamentary claim and exercise of power to alter American charters, had rendered all their constitutions uncertain, and set them quite afloat. That by this claim of altering laws and charters at will, they deprived the colonists of all rights and privileges whatever, but what they should hold at their pleasure.—That this was a situation they could not bear, and must risk life and every thing, rather than submit to it.

"The 12th article was explained, by stating the former situation of the judges in most of the colonies, viz. that they were appointed by the crown and paid by the assemblies, that the appointment being during the pleasure of the crown, the salary had been during the pleasure of the assembly;—that when it was urged against the assemblies, that their making judges dependent on them for their salaries, was aiming at an undue influence over the courts of justice, the assemblies usually replied, that making them dependent on the crown for continuance in their places, was also retaining an undue influence over those courts, and that one undue influence was a proper balance for another; but that whenever the crown would consent, to the appointment of judges only during good behaviour, the assemblies would at the same time grant their salaries, to be permanent during their continuance in office; that instead of agreeing to this equitable offer, the crown now claimed to make the judges in the colonies, dependent on its favour for place as well as salary, and both to be continued at its pleasure. This the colonies must oppose as inequitable, as putting both the weights into one of the scales of justice.

"In favour of the 13th it was urged, that the governors sent to the colonies were often men of no estate or principle, who came merely to make fortunes, and had no natural regard for the country they were to govern. That to make them quite independent of the people, was to make them careless of their conduct, and giving a loose to their rapacious and oppressive dispositions. That the dependence of the governors on the people for their salaries, could never operate to the prejudice of the king's service, or to the disadvantage of Britain; since each governor was bound by a particular set of instructions which he had given surety to observe, and all the laws he assented to, were subject to be repealed by the crown. That the payment of the salaries by the people, was more satisfactory to them, and was productive of a good understanding between governors and governed, and that therefore, the innovations lately made at Boston and New York, should be laid aside.

"The 14th article was expunged, on the representation of Dr. Fothergill and David Barclay, that the monopoly of the American commerce would never be given up, and that the proposing of it would only give offence, without answering any good purpose.

"The 15th article was readily agreed to.

"The 16th was thought to be of little consequence, if the duties were given to the colony treasuries.

"The 17th it was thought could hardly be obtained, but it was supported by Dr. Franklin, alleging, that without it any compact made with the Americans, might be evaded by acts of the British parliament, restraining the intermediate proceedings, which were necessary for carrying it into effect.

"This paper of hints was communicated to lord Dartmouth(1) by Dr. Fothergill, who also stated the arguments which in conversation had been offered in support of them. When objections were made to them, as being humiliating to Great Britain, Dr. Fothergill replied, 'that she had been unjust, and ought to bear the consequences, and alter her conduct—that the pill might be bitter, but it would be salutary and must be swallowed; that sooner or later these or similar measures must be followed, or the empire would be divided and ruined.'

"These hints were handed about amongst ministers, and conferences were held on them. The result, was on the 4th of February 1775, communicated to Dr. Franklin, in the presence of Dr. Fothergill and David Barclay, which, as far as concerned the leading articles, was as follows:

"1. The first article was approved.

"2. The second agreed to so far as related to the tea act, but repayment of the duties that had been collected was refused.

"3. The third not approved, as it implied a deficiency of power in the parliament that made the acts.

"4. The fourth approved.

"5. The fifth agreed to, but with a reserve that no change prejudicial to Britain was to be expected.

"6. The sixth agreed to, so far as related to the appropriation of the duties, but the appointment of the officers and of their salaries to remain as at present.

"7. The seventh relating to aids in time of war, agreed to.

"8. The eighth relating to troops, was inadmissible.

"9. The ninth could be agreed to with this difference, that no proportion should be observed with regard to preceding taxes, but each colony should give at pleasure.

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"10. The tenth agreed to as to the restitution of Castle William, but the restriction on the crown in building fortresses refused.

"11. The eleventh refused absolutely, except as to the Boston port bill, which would be repealed; and the Quebec act might be so far amended, as to reduce that province to its ancient limits. The other MASSACHUSETTS ACTS BEING REAL AMENDMENTS OF THEIR CONSTITUTION, MUST FOR THAT REASON BE CONTINUED, AS WELL AS TO BE A STANDING EXAMPLE OF THE POWER OF PARLIAMENT.

"12. The twelfth agreed to, that the judges should be appointed during good behaviour, on the assemblies providing permanent salaries, such as the crown should approve of.

"13. The thirteenth agreed to, provided the assemblies make provision, as in the preceding article.

"15. The fifteenth agreed to.

"16. The sixteenth agreed to, supposing the duties paid to the colony treasuries.

"17. The seventeenth inadmissible.

"At this interview, the conversation was shortened by Dr. Franklin's observing, that while the parliament claimed and exercised a power of internal legislation for the colonies, and of altering American constitutions at pleasure, there could be no agreement; as that would render the Americans unsafe in every privilege they enjoyed, and would leave them nothing, in which they could be secure. It being hinted how necessary an agreement was for America, since it was so easy for Britain to burn all her seaport towns, Dr. Franklin replied, 'that the chief part of his little property consisted of houses in such towns, that they might make bonfires of them whenever they pleased. That the fear of losing them would never alter his resolution, of resisting to the last extremity that claim of parliament, and that it behoved Great Britain to take care what mischief she did to America, for that sooner or later she would certainly be obliged, to make good all damages with interest.'

"On the 16th of February, 1775, the three before mentioned gentlemen met, when a paper was produced by David Barclay entitled, 'A plan, which it is believed would produce a permanent union between Great Britain and her colonies. This, in the first article, proposed a repeal of the tea act, on payment being made for the tea destroyed. Dr. Franklin agreed to the first part, but contended that all the other Massachusetts acts should also be repealed, but this was deemed inadmissible. Dr. Franklin declared, that the people of Massachusetts would suffer all the hazards and mischiefs of war, rather than admit the alteration of their charters and laws by parliament. He was for securing the unity of the empire, by recognizing the sanctity of charters, and by leaving the provinces to govern themselves, in their internal concerns; but the British ministry could not brook the idea, of relinquishing their claim to internal legislation for the colonies, and especially to alter and amend their charters. The first was for communicating the vital principles of liberty to the provinces; but the latter, though disposed to redress a few of their existing grievances, would by no means consent to a repeal of the late act of parliament, for altering the chartered government of Massachusetts, and least of all to renounce all claim to future amendments of charters, or of internal legislation for the colonies.

"Dr. Franklin laboured hard to prevent the breach from becoming irreparable, and candidly stated the outlines of a compact, which he supposed would procure a durable union of the two countries: but his well meant endeavours proved abortive, and in the mean time he was abused, as the fomentor of those disturbances which he was anxiously endeavouring to prevent. That the ministry might have some opening to proceed upon, and some salvo for their personal honour, he was disposed to engage, that pecuniary compensation should be made for the tea destroyed, but he would not give up essential liberty, for the purpose of procuring temporary safety. Finding the ministry bent on war, unless the colonists would consent to hold their rights, liberties and charters, at the discretion of a British parliament; and well knowing that his countrymen would hazard every thing, rather than consent to terms so degrading as well as inconsistent with the spirit of the British constitution, he quitted Great Britain in March 1775, and returned to Philadelphia. Dr. Fothergill, his worthy coadjutor in the great business of peace, wrote to him on the evening before he left London, 'That whatever specious pretences were offered, they were all hollow, and that, to get a larger field on which to fatten a herd of parasites, was all that was intended.' With this conviction, founded on personal observations, as well as the testimony of his esteemed friend, who in the course of his daily visits among the great, in the practice of his profession, had an opportunity of knowing their undisguised sentiments; Dr. Franklin joined his countrymen, and exerted his great abilities in conducting them through a war, he had in vain laboured to prevent." *Ramsay.*

(Note.) By recurrence to pages, 56 and 60, it will be seen, that Dr. Franklin in 1773, then agent for Massachusetts and other colonies in London; was charged with presenting a petition to the king, for removing gov. Hutchinson, and Lt. gov. Oliver from office; in consequence of the detection of certain letters, written by them to persons in official stations, in England;—This petition, had been referred by the king, to a committee of the privy council:—It was brought to a hearing, Jan. 29th 1774, when Dr. Franklin was summoned to attend; on which occasion, the then solicitor general, Mr. Wedderburn, (afterwards made lord Loughborough,) so grossly insulted him, holding him forth as a "thief and a murderer," and as having "forfeited all the respect of societies and men," (1)

(1) The affair of the "Hutchinson Letters" had produced a duel, in which one of the parties was dangerously wounded; this was the charge of murder; the "theft" consisted in obtaining the packet of letters from the office: Dr. Franklin had no concern in the duel, or the burglary.

APPENDIX—Part 1st.—Miscellaneous.

and all this merely for discharging his duty, as an agent; and for which too, on the next day, he was dismissed from his office of deputy *post master general*, of the colonies of *North America*; which he had long held, to the great advantage of the publick, and the British treasury;—an order also accompanied the dismissal, forbidding the gov. of Massachusetts to sign any warrant, which his constituents of that province might draw on the treasury there, for paying his salary as *agent* of the colony. It was but 18 months afterwards, (*July 26, 1775*,) that he was appointed *post master general* of the “United Colonies of America,” by the 2d congress. 1 *Jour. Cong.* 177.

The particular object of this note however is, to call the reader's attention to the subject of the means by which Dr. *Franklin* procured the letters, (which he afterwards sent over to Boston,) and which were made the foundation of the petition, to remove *Hutchinson* and *Oliver*: In page 60, the note alludes to a “recent development of this:”—The reader is referred for a full notice of the subject, to *vol. 2d, of the North American Review*, No. xxviii. New Series iii, p. 31—by which it would appear, that the letters were procured by Dr. *Hugh Williamson*, (a young American gentleman, then on his travels, and since so celebrated in the United States,) by a dexterous imposition on the clerk of the office where they were deposited, and immediately delivered over by him to Dr. *Franklin*, without any participation of the latter in the procurement; Dr. *Franklin*, though he held himself at liberty, and bound in duty, to transmit these traitorous and perfidious documents to his constituent, the colony of Massachusetts, yet inviolably kept secret, I believe in what way they came to his possession.

No. 2. *Albany Congress*, 1754. p. 12.

THIS congress met *June 14, 1754*, but sat into *July*, and on the 4th of that month agreed to the celebrated “*plan of union*.” This was the first project of a general union between the colonies, under a scheme of federal government.

It afforded a precedent for the congresses of 1765, and 1774; and doubtless, in framing the articles of confederation, adopted in 1781, and the constitution of the *United States*, in 1787, was resorted to, for the sake of forms, and even principles of government.

It is therefore inserted here, with a preliminary account, somewhat more particular than is to be found at pages 12 and 13. The following will convey this information.

“A convention of delegates from the different colonies had, by direction of the commissioners for the plantations, been appointed to meet at Albany, to hold a conference with the Five Nations on the subject of French encroachments, and to secure their friendship in the approaching war. Availing himself of this circumstance, governor Shirley had recommended to the several governors to instruct their commissioners, on the subject of union. Ample powers for this object were given to the delegates from Massachusetts, and those of Maryland were instructed to observe, what others should propose respecting it. But no direct authority for concerting any system, for calling out and employing the strength of the colonies, was given by any other of the governments.

“The congress, consisting of delegates from Massachusetts, Rhode Island, Connecticut, New York, New-Jersey, Pennsylvania, Delaware, Maryland and South Carolina, met at the place appointed; and having endeavoured to secure the interests of the Five Nations (Indians) by large presents, a committee, consisting of one member from each colony, was directed to draw and report a plan of union.

“The essential principles of the plan reported, and afterwards agreed to on the fourth of *July* were, “that application be made for an act of parliament, to form a grand council, to consist of delegates from the several legislatures, and a president general to be appointed by the crown, with a negative voice. This council was to enact laws of general import, to apportion the quotas of men and money to be raised by each colony; determine the building of forts; regulate the operations of armies; and concert all measures for the common protection and safety.” A copy was transmitted to each of the colonial assemblies, and one to the king's council.

“The delegates from Connecticut alone dissented in the convention, from this plan. Their sole objection to it was founded on the powers of the president general, who, being an officer appointed by the crown, was deemed by that cautious people, to be invested by the articles of the union with an authority dangerous to their welfare.

“For a very different reason, the plan was objected to in England also. The colonies had, in several instances, manifested a temper by no means so submissive as was required, and it was apprehended that such a union, might be the foundation of a concert of measures, opposing the pretensions of supremacy set up by the mother country.

“The plan, therefore, notwithstanding the pressure of external danger, did not prevail. It was not supported in America, because it was supposed to place too much power in the hands of the king; and it was rejected in England, because it was supposed to give too much importance to the colonial assemblies, who would be rendered still more formidable by being accustomed to co-operate with each other.

“In the place of this confederation, it was proposed by the minister, that the governors, with one or two members of the councils of the respective provinces, should assemble to consult and resolve on measures necessary for the common defence, and should draw on the British treasury for the sums to be expended, which sums should be afterwards raised by a general tax, to be imposed by parliament, on the colonies.

APPENDIX—Part 1st.—*Miscellaneous.*

"This proposition was entirely subversive of all the opinions which prevailed in America, and the present was deemed an improper time to press it. As no satisfactory plan for calling out the strength of the colonies could be devised, it was determined to carry on the war with British troops, aided by such re-enforcements as the several provincial assemblies would voluntarily afford." *Marshall.*

The "*PLAN of the UNION*" was this, viz.—

"It is proposed that humble application be made for an act of parliament of Great Britain, by virtue of which one general government may be formed in America, including all the said colonies: [Massachusetts bay, New Hampshire, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina and South Carolina] within and under which government, each colony may retain its present constitution, except in the particulars wherein a change may be directed by the said act, as hereafter follows:

PRESIDENT GENERAL AND GRAND COUNCIL.

"That the said general government be administered by a president general, to be appointed and supported by the crown, and a grand council, to be chosen by the representatives of the people of the several colonies, met in their respective assemblies.

ELECTION OF MEMBERS.

"That within—months after passing such act, the houses of representatives that happen to be sitting within that time, or that shall be especially for that purpose convened, may and shall choose members for the grand council, in the following proportion, that is to say:

Massachusetts Bay	7
New Hampshire	2
Connecticut	5
Rhode Island	2
New York	4
New Jersey	3
Pennsylvania	6
Maryland	4
Virginia	7
North Carolina	4
South Carolina	4

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PLACE OF FIRST MEETING.

"Who shall meet for the first time at the city of Philadelphia, in Pennsylvania, being called by the president general as soon as conveniently may be, after his appointment.

NEW ELECTION.

"That there shall be a new election of the members of the grand council every three years; and on the death or resignation of any member, his place shall be supplied by a new choice, at the next sitting of the assembly of the colony he represented.

PROPORTION OF THE MEMBERS AFTER THE FIRST THREE YEARS.

"That after the first three years, when the proportion of money arising out of each colony to the general treasury can be known, the number of members to be chosen for each colony shall, from time to time, in all ensuing elections, be regulated by that proportion (yet so as that the number to be chosen by any one province be not more than seven, nor less than two.)

MEETINGS OF THE GRAND COUNCIL AND CALL.

"That the grand council shall meet once in every year, and oftener, if occasion require, at such time and place as they shall adjourn to at the last preceding meeting, or as they shall be called to meet at, by the president general, on any emergency; he having first obtained in writing the consent of seven of the members to such call, and sent due and timely notice to the whole.

CONTINUANCE.

"That the grand council have power to choose their speaker: and shall neither be dissolved, prorogued, nor continued sitting, longer than six weeks at one time; without their own consent, or the special command of the crown.

MEMBERS ATTENDANCE.

"That the members of the grand council shall be allowed for their services, ten shillings sterling per diem, during their session and journey to and from the place of meeting; twenty miles to be reckoned a day's journey.

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ASSENT OF PRESIDENT GENERAL AND HIS DUTY.

"That the assent of the president general be requisite to all acts of the grand council; and that it be his office and duty to cause them to be carried into execution.

POWER OF PRESIDENT GENERAL AND GRAND COUNCIL, TREATIES OF PEACE AND WAR.

"That the president general, with the advice of the grand council, hold or direct all Indian treaties in which the general interest of the colonies may be concerned; and make peace or declare war with Indian nations.

INDIAN TRADE.

"That they make such laws as they judge necessary for regulating all Indian trade.

INDIAN PURCHASES.

"That they make all purchases from the Indians for the crown, of lands not now within the bounds of particular colonies, or that shall not be within their bounds, when some of them are reduced to more convenient dimensions.

NEW SETTLEMENTS.

"That they make new settlements on such purchases, by granting lands in the king's name, reserving a quit rent to the crown, for the use of the general treasury.

LAWS TO GOVERN THEM.

"That they make laws for regulating and governing such new settlements, until the crown shall think fit to form them into particular governments.

RAISE SOLDIERS AND EQUIP VESSELS, &c.

"That they raise and pay soldiers, build forts for the defence of any of the colonies, and equip vessels of force to guard the coasts and protect the trade on the ocean, lakes, or great rivers; but they shall not impress men in any colony, without the consent of the legislature.

POWER TO MAKE LAWS, LAY DUTIES, &c.

"That for these purposes they have power to make laws, and lay and levy such general duties, imposts, or taxes, as to them shall appear most equal and just, (considering the ability and other circumstances of the inhabitants in the several colonies) and such as may be collected with the least inconvenience to the people; rather discouraging luxury, than loading industry with unnecessary burdens.

GENERAL TREASURER AND PARTICULAR TREASURER.

"That they may appoint a general treasurer and particular treasurer in each government, when necessary; and from time to time may order the sums in the treasuries of each government into the general treasury, or draw on them for special payments, as they find most convenient.

MONEY, HOW TO ISSUE.

"Yet no money to issue but by joint orders of the president general and grand council, except where sums have been appropriated to particular purposes, and the president general has been previously empowered by an act, to draw for such sums.

ACCOUNTS.

"That the general accounts shall be yearly settled, and reported to the several assemblies.

QUORUM.

"That a quorum of the grand council, empowered to act with the president general, do consist of twenty-five members; among whom there shall be one or more from the majority of the colonies.

LAWS TO BE TRANSMITTED.

"That the laws made by them for the purposes aforesaid, shall not be repugnant, but, as near as may be, agreeable to the laws of England, and shall be transmitted to the king in council for approbation, as soon as may be after their passing; and if not disapproved within three years after presentation, to remain in force.

DEATH OF THE PRESIDENT GENERAL.

"That in case of the death of the president general, the speaker of the grand council for the time being shall succeed, and be vested with the same powers and authorities, to continue until the king's pleasure be known.

OFFICERS, HOW APPOINTED.

"That all military commission officers, whether for land or sea service, to act under this gene-

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ral constitution, shall be nominated by the president general; but the approbation of the grand council is to be obtained, before they receive their commissions. And all civil officers are to be nominated by the grand council, and to receive the president general's approbation before they officiate.

VACANCIES, HOW SUPPLIED.

"But in case of vacancy, by death, or removal of any officer, civil or military, under this constitution, the governor of the province in which such vacancy happens, may appoint until the pleasure of the president general and grand council can be known.

EACH COLONY MAY DEFEND ITSELF ON EMERGENCY, &c.

"That the particular military as well as civil establishments in each colony, remain in their present state, the general constitution notwithstanding; and that on sudden emergencies any colony may defend itself, and lay the accounts of expense thence arising before the president general and grand council, who may allow and order payment of the same, as far as they judge such accounts reasonable." *Marshall.*

Gordon attributes the plan to *Thomas Hutchinson*, afterwards gov. of *Massachusetts*:—I have so stated it; but incorrectly it is presumed, as all other accounts I have seen, assign it to *Dr. Franklin*:—In his letter to gov. *Shirley*, Dec. 1754, a few months afterwards, in which he combats the counter plan of ministers, (*See p. 13.*) he makes no allusion directly to the "Albany code." The following extract is from *Holmes' Annals*,—in which he speaks of *Dr. Franklin*, as the undoubted author of it.

"For this account and other additional reasons, the general assembly of Connecticut did not accede to the plan of union. See those reasons in *Coll. Hist. Soc.* vii. 210—214. On the negative voice of the president general, the assembly observes; it 'may bring his majesty's interest into danger: That officer, in so extensive a territory, not well understanding, or carefully pursuing proper methods for the country's good, all may be ruined before relief can be had from the throne and it seems the council, from the respective colonies, are most likely to understand the true interest and weal of the people.' The power of *levying taxes*, 'throughout this extensive government,' was considered by that assembly as 'a very extraordinary thing, and against the rights and privileges of Englishmen;' and, it was remarked, 'any great innovations or breach of the original charters or constitutions' of the colonies, 'will greatly discourage the industry of the inhabitants, who are jealous of their privileges; and, while they are secured, are zealous to secure his majesty's dominions here, and pursue the enlargement thereof.' The name of *JONATHAN TRUMBULL* appears among other very respectable names of a committee, appointed by the assembly to consider the proposed plan of union. *Life of Franklin*, 139, 140. *Belknap N. Hamp.* ii. 284—287. *Minot*, i. ch. ix; where the plan of union is inserted. Another plan, then proposed, is in *Coll. Hist. Soc.* vii. 203—207. Who composed it, does not appear; perhaps *Mr Hutchinson* of *Massachusetts*. The plan, agreed to in convention, was drawn up by *Benjamin Franklin*. The persons, appointed by the convention to draw a plan of union, were *Hutchinson* of *Massachusetts*, *Atkinson* of *New Hampshire*, *Hopkins* of *Rhode Island*, *Pitkin* of *Connecticut*, *Smith* of *New York*, *Franklin* of *Pennsylvania*, and *Tasker* of *Maryland*; one member from each colony.—Notice of remarkable *synchronisms* in history may assist the memory, and incite to a serious and impressive observance of providential events. The same day [4th July] on which *Franklin* signed the plan of Union in convention at Albany, *Washington* capitulated with the French at fort Necessity. Exactly twenty two years afterward [4th July 1776,] *Franklin* signed the Declaration of Independence, while *Washington* was successfully commanding the armies of America. The jealousy of the parent country would not, at the first period, allow the colonies a confederation, with any share of power; those colonies, at the last period, asserted and maintained an exclusive right of absolute jurisdiction." *Holmes.*

I have inserted the good author's *synchronism*, as part of the quotation; though it may not produce in most persons any serious reflections, it is singular, and quite as important, and much more agreeable than the description of some shocking murder, or shipwreck.

No. 3. Congress of N. York, Oct. 1765. p. 22. Stamp act.

The stamp act passed Mar. 22, 1765.—It was not to go into operation, till Nov. 1. The interval was necessary to put such a massy system as a stamp law into operation, throughout the continent of North America, and the West Indies: This gave time to pause on the means of resistance: There had been no preparatory measures, no concert: The "sugar act," passed the preceding year, had gone into operation: that had been vigorously opposed, but unsuccessfully: It imposed duties, altogether on foreign articles, paid at the ports by the importer.

The tax was a real one upon the consumer, and in principle the same, whether he paid an additional 3 pence sterling on a gall. of French molasses, or a yard of India calico, to the importer, or the tax gatherer: still however the pill was not so bitter, wrapped up and concealed in the price of the commodity.—Not so with the sums to be paid for the use of stamped paper; it came home to every man's fire-side, the cost and trouble could be counted at once, and the question as soon occurred to the plainest man in America; *what power forces me to pay this money?*

The answer—a British parliament, sitting in Westminster Hall on the banks of the Thames,

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3000 miles over the ocean; composed entirely of Englishmen, chosen by English land holders and manufacturers; those are the men who tax you a shilling for using a bit of paper not worth the tenth part of a penny; and this without being your agents, or empowered to take your property on any principle of British liberty.

Nevertheless, for a short time after the act arrived, some indecision was apparent; not upon the point of resistance, or on the principle; but the means.

The subject was taken up in the *Virginia* house of burgesses, the last of *May*, (See p. 21, 2. and no. 5, *infra*.) and resolutions entered into against the act.—This produced immediate and strong effects upon the popular mind, and put the *people* in action: The *execution* of the stamp law, might from that moment be considered as impracticable in the colonies; the passions of the multitude were greatly excited; and as the time approached for putting the act into operation; violence increased, and excesses followed:—every thing went on as before, *no* stamps were used, or dared to be seen, and in courts of justice, no one was hardly enough to take an objection.

About the same time, the *Virginia* resolves (or supposed resolutions) against the *right* of Great Britain to impose taxes passed, another measure, originated in a northern colony.

In *Massachusetts*, (where the public mind, was habitually and intensely fixed upon every constitutional question, especially upon that of taxation,) the legislature convened soon after information of the stamp act was received: They deemed it a step of such vast magnitude, and of so determined a character, on the part of England, in execution of the system of American revenue determined upon there, as to demand the *combined* remonstrances and resistance of all the colonies. See p. 22.

Under this view, in order to render the opposition *national*, uniting all America on its side, a GENERAL CONGRESS was determined upon, a measure which if carried, would answer the double purpose of beating down the stamp law, and laying the foundation of future union and collected energies, against similar attempts.

This scheme originated as it would appear, with col. *James Otis*, an eminent lawyer and judge of probates, and his son *James Otis*, who was then in the assembly, being at that time only 25 years of age, but distinguished for learning, eloquence, and all the qualifications which the times required, in one who became the assessor of American rights and liberties. Perhaps no individual can be named, to whom posterity is more indebted, as one of the earliest, and most successful advocates on the side of his country, than to Mr. *Otis*. (1)

The origin of the congress which assembled at New York, (Oct. 1765) is given by Mr. *Gordon*, in his usual quaint and unadorned manner, as follows,

“The *Massachusetts* assembly had hit upon a wise and quiet mode of seeking redress, before ever they could be acquainted with what had been done in *Virginia*. It was projected and brought on by Messrs. *Otis*, father and son. They were visiting at *James Warrens’s*, esq. of *Plymouth*, a son and brother-in-law, he having married *Miss Otis*. The state of publick affairs, and how to get rid of the burdens coming upon the colonies, were the subjects of conversation. Congresses had often been held, and though there was no precedent of any one’s being called, but at the instance of persons authorised or employed by the ministry, excepting the first congress we read of, which was proposed by the *Massachusetts* general court in 1690; yet no reasonable objection could be made against holding one upon the present emergency, notwithstanding it might want the sanction of administration.—It was agreed to forward the meeting of a congress, as a proper method for obtaining the removal of American grievances. The matter was moved in the house of assembly; [June 6.] the consequence was, an agreement that ‘It is highly expedient there should be a meeting, as soon as may be, of committees from the houses of representatives or burgesses in the several colonies, to consult on the present circumstances of the colonies, and the difficulties to which they are and must be reduced, and to consider of a general address—to be held at New York, the first Tuesday of *October*.’ Within two days, a letter was drafted to be sent to the several speakers; and at the close of a fortnight, *James Otis*, jun. *Oliver Partridge*, and *Timothy Ruggles*, esqrs. were chosen the committee for *Massachusetts*. The governor in his account to the lords of trade, said, ‘It was impossible to oppose this measure to any good purpose; and therefore the

(1) “He lived to see, but not fully to enjoy the independence of America, an event towards which his efforts had greatly contributed. At length, on the twenty third of May 1783, as he was leaning on his cane at the door of Mr. *Osgood’s* house in *Andover*, he was struck by a flash of lightning; his soul was instantly liberated from its shattered tenement, and sent into eternity. President *Adams*, then minister in France, wrote respecting him, ‘it was with very afflicting sentiments I learned the death of Mr. *Otis*, my worthy master. Extraordinary in death as in life, he has left a character that will never die, while the memory of the American revolution remains; whose foundation he laid with an energy, and with those masterly abilities, which no other man possessed.’ He was highly distinguished by genius, eloquence, and learning, and no American perhaps had possessed more extensive information. Besides his legal and political knowledge, he was a complete master of classical literature. He published rudiments of Latin prosody, with a dissertation on letters, and the power of harmony in poetick and prosaick composition, 12mo, 1760, which has been considered the most clear and masterly treatise on the subject; vindication of the conduct of the house of representatives of *Massachusetts*, 1762; the rights of the British colonies asserted, 1763; considerations on behalf of the colonists, 1765.” *Allen’s Bing. Dic.*

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friends of government took the lead in it, and have kept it in their hands. Two of the three chosen are fast friends to government, prudent and discreet men, such as I am assured will never consent to any improper applications, to the government of Great Britain." *Gordon.*

Thus it would appear, that in the same week the assembly of *Virginia* was dissolved by Lt. gov. *Fauquier*, for resolutions against the stamp act; *Massachusetts*, without any concert or knowledge of proceedings there, took the decisive step of calling a *congress*, to meet in a short time at New York.

The congress did meet, at the time and place appointed; and drew up a *declaration* of rights and grievances: a *petition* to the king, and a *memorial* to each house of parliament.

The *declaration* of rights and grievances will be found at large, p. 23— but not having then before me, the petition, and memorials, or the names of the members; I shall insert here, *extracts* of the most material parts of those to the king and commons, and annex the *names* of the delegates.

In their PETITION to the KING, they say,

"THE continuation of these liberties to the inhabitants of America we ardently implore; as absolutely necessary to unite the several parts of your wide extended dominions, in that harmony so essential to the preservation and happiness of the whole. Protected in these liberties, the emoluments Great Britain receives from us, however great at present, are inconsiderable, compared with those she has the fairest prospect of acquiring. By this protection she will forever secure to herself the advantage of conveying to all Europe, the merchandises which America furnishes, and of supplying through the same channel whatever is wanted from thence. Here opens a boundless source of wealth and naval strength; yet these immense advantages, by the abridgment of those invaluable rights and liberties, by which our growth has been nourished, are in danger of being forever lost; and our subordinate legislatures in effect rendered useless, by the late acts of parliament imposing taxes on these colonies, and extending the jurisdiction of the court of admiralty here, beyond its ancient limits; statutes by which your majesty's commons in Britain, undertake absolutely to dispose of the property of their fellow subjects in America, without their consent—and for the enforcing whereof, they are subjected to the determination of a single judge, in a court unrestrained by the wise rules of the common law, the birthright of Englishmen, and the safeguard of their persons and properties.

"The invaluable rights of taxing ourselves, and trial by our peers, of which we implore your majesty's protection, are not, we most humbly conceive, unconstitutional; but confirmed by the great charter of English liberty. On the first of these rights, the honourable house of commons found their practice of originating money bills, a right enjoyed by the kingdom of Ireland; by the clergy of England, until relinquished by themselves; a right, in fine, which all other your majesty's English subjects, both within and without the realm, have hitherto enjoyed.

"With hearts, therefore, impressed with the most indelible character of gratitude to your majesty, and to the memory of the kings of your illustrious house, whose reigns have been signally distinguished by their auspicious influence on the prosperity of the British dominions, and convinced by the most affecting proofs of your majesty's paternal love to all your people, however distant, and your unceasing and benevolent desires to promote their happiness; we most humbly beseech your majesty, that you will be graciously pleased to take into your royal consideration, the distresses of your faithful subjects on this continent, to lay the same before your majesty's parliament, and to afford them such relief, as in your royal wisdom their unhappy circumstances shall be judged to require."

Their PETITION to the commons "embraces a wider range, and dwells with greater force and minuteness upon the several grounds of dispute. It states, 'That the several late acts of parliament, imposing divers duties and taxes on the colonies, and laying the trade and commerce thereof under very burdensome restrictions, but above all the act for granting and applying certain stamp duties, &c. in America, have filled them with the deepest concern and surprise; and they humbly conceive the execution of them, will be attended with consequences very injurious to the commercial interest of Great Britain and her colonies, and must terminate in the eventual ruin of the latter.

"We most sincerely recognise,' said they, 'our allegiance to the crown, and acknowledge all due subordination to the parliament of Great Britain, and shall always retain the most grateful sense of their assistance and protection. It is from and under the English constitution we derive all our civil and religious rights and liberties; we glory in being subjects of the best of kings, and having been born under the most perfect form of government; but it is with most ineffable and humiliating sorrow, that we find ourselves, of late, deprived of the right of granting our own property for his majesty's service, to which our lives and fortunes are entirely devoted, and to which, on his royal requisitions, we have ever been ready to contribute to the utmost of our abilities.

"We have also the misfortune to find, that all the penalties and forfeitures mentioned in the stamp act, and in divers late acts of trade extending to the plantations, are, at the election of the informer, recoverable in any court of admiralty in America. This, as the newly erected court of admiralty, has a general jurisdiction over all British America, renders his majesty's subjects in these colonies, liable to be carried, at an immense expense, from one end of the continent to the other.

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“It gives us also great pain to see a manifest distinction made therein, between the subjects of our mother country and those in the colonies, in that the like penalties and forfeitures recoverable there, only in his majesty’s court of record, are made cognizable here by a court of admiralty; by these means we seem to be, in effect, unhappily deprived of two privileges essential to freedom, and which all Englishmen have ever considered as their best birthrights, that of being free from all taxes, but such as they have consented to in person or by their representatives, and of trial by their peers.

“Your petitioners further show, that the remote situation, and other circumstances of the colonies, render it impracticable that they should be represented but in their respective subordinate legislatures; and they humbly conceive that the parliament, adhering strictly to the principles of the constitution, have never hitherto taxed any but those who were actually therein represented; for this reason, we humbly apprehend, they never have taxed Ireland, or any of the subjects without the realm.

“But were it ever so clear, that the colonies might in law be reasonably deemed to be represented in the honourable house of commons, yet we conceive that very good reasons, from inconvenience, from the principles of true policy, and from the spirit of the British constitution, may be adduced to show, that it would be for the real interest of Great Britain, as well as her colonies, that the late regulations should be rescinded, and the several acts of parliament imposing duties and taxes on the colonies, and extending the jurisdiction of the courts of admiralty here, beyond their ancient limits, should be repealed.

“We shall not attempt a minute detail of all the reasons, which the wisdom of the honourable house may suggest on this occasion, but would humbly submit the following particulars to their consideration.

“That money is already become very scarce in these colonies, and is still decreasing by the necessary exportation of specie from the continent, for the discharge of our debts to British merchants.

“That an immensely heavy debt is yet due from the colonies for British manufactures, and that they are still heavily burdened with taxes to discharge the arrearages due for aids granted by them in the late war.

“That the balance of trade will ever be much against the colonies, and in favour of Great Britain, whilst we consume her manufactures, the demand for which must ever increase in proportion to the number of inhabitants settled here, with the means of purchasing them. We therefore humbly conceive it to be the interest of Great Britain to increase, rather than diminish, those means, as the profits of all the trade of the colonies ultimately centre there, to pay for her manufactures, as we are not allowed to purchase elsewhere; and by the consumption of which, at the advanced prices the British taxes oblige the makers and venders to set on them, we eventually contribute very largely to the revenue of the crown.

“That from the nature of American business, the multiplicity of suits and papers used in matters of small value, in a country where freeholds are so minutely divided, and property so frequently transferred, a stamp duty must ever be very burdensome and unequal.

“That it is extremely improbable that the honourable house of commons should, at all times, be thoroughly acquainted with our condition, and all facts requisite to a just and equal taxation of the colonies.

“It is also humbly submitted, whether there be not a material distinction in reason and sound policy, at least, between the necessary exercise of parliamentary jurisdiction in general acts, for the amendment of the common law, and the regulation of trade and commerce through the whole empire, and the exercise of that jurisdiction, by imposing taxes on the colonies.

“That the several subordinate provincial legislatures have been moulded into forms, as nearly resembling that of their mother country, as by his majesty’s royal predecessors was thought convenient; and their legislatures seem to have been wisely and graciously established, that the subjects in the colonies might, under the due administration thereof, enjoy the happy fruits of the British government, which in their present circumstances, they cannot be so fully and clearly availed of any other way; under these forms of government, we and our ancestors have been born or settled, and have had our lives, liberties and properties protected. The people here, as every where else, retain a great fondness for their old customs and usages, and we trust that his majesty’s service and the interest of the nation, so far from being obstructed, have been vastly promoted by the provincial legislatures.

“That we esteem our connexions with, and dependance on Great Britain, as one of our greatest blessings, and apprehend that the latter will appear to be sufficiently secure, when it is considered that the inhabitants in the colonies, have the most unbounded affection for his majesty’s person, family and government, as well as for the mother country; and that their subordination to the parliament is universally acknowledged.

“We therefore most humbly entreat, that the honourable house would be pleased to hear our counsel in support of this petition, and take our distressed and deplorable case into their serious consideration, and that the acts and clauses of acts, so grievously restraining our trade and commerce, imposing duties and taxes on our property, and extending the jurisdiction of the court of admiralty beyond its ancient limits, may be repealed; or that the honourable house would otherwise relieve your petitioners, as in your great wisdom and goodness shall seem meet.” *Burk.*

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"The names of the gentlemen delegated to meet at New York, in one thousand seven hundred and sixty five, on occasion of the stamp act: viz.

From the province of the Massachusetts bay.	{ James Otis, Oliver Partridge, Timothy Ruggles, Esqrs.
From the colony of Rhode Island and Providence Plantations.	{ Metcalf Bowler, Henry Ward, Esqrs.
From the colony of Connecticut. - - - -	{ Ellphalet Dyer, David Rowland, William Samuel Johnson, Esqrs.
From the colony of New York. - - - -	{ Robert R. Livingston, John Cruger, Philip Livingston, William Bayard, Leonard Lispenard, Esqrs.
From the colony of New Jersey. - - - -	{ Robert Ogden, Hendrick Fisher, Joseph Borden, Esqrs.
From the province of Pennsylvania. - -	{ John Dickinson, John Morton, George Bryan, Esqrs.
From the government of the counties of Newcastle, Kent, and Sussex, on the Delaware.	{ Cæsar Rodney, Thomas M'Kean. Esqrs.
From the province of Maryland. - - - -	{ William Murdock, Edward Tilghman, Thomas Ringold, Esqrs.
From the province of South Carolina. (1)	{ Thomas Lynch, Christopher Gadsden, John Rutledge, Esqrs.

"Mr. Lynch, Mr. Otis, and Mr. M'Kean, were the committee chosen to prepare the petition to the house of commons". Warren.

This is generally denominated the first "Colonial congress." That which met Sep. 5, 1774, at Philadelphia, the first "Continental congress."

No. 4. Stamp act. 1765. p. 18, et seq.

George Grenville came into office as first commissioner of the treasury, and prime minister, upon the resignation of the earl of Bute, in Ap. 1763; a few weeks after the peace with France and Spain, [Feb. 12, 1763.]

A 9 years war in America and Europe, the most obstinate, bloody and expensive, recorded in British history, had left the nation deeply involved in debt; although in point of military glory, extensive conquests, and humiliation of her enemies, Great Britain was elevated to the highest summits of fame and power.

Pressed however, with such an enormous debt, a general opinion prevailed, and especially with the landed gentry, (possessing a most powerful weight in parliament,) that the colonies, ought to bear their part! It was alledged, they had derived the greatest possible benefits by the expulsion of the French and Spaniards, their inveterate foes, from every inch of ground in America, between the St. Lawrence and Mississippi.

That they were in consequence, forever safe, from the terrible calamities of savage warfare, to which they had been constantly exposed for more than a century, through the instigations of the French in Canada, and the Spaniards in Florida: In short, that it was a debt incurred for the common security and prosperity of the empire, and should be proportionably borne.

To all this it was answered, that America being the seat of war, had suffered infinitely more than Britain; that in fact it was a British war, for the preservation of her invaluable colonies, as integral parts of her empire.

That property in immense regions of unsettled territory, had been acquired by joint efforts, the very sale of which, might in time defray the whole national expenditure; in all which the colonies had no share.

Another answer to the claim was, that Great Britain, received a ten fold compensation, by the indirect contributions levied on America, from the advantages which she derived from her system of commercial restrictions and laws of navigation and trade, operating as a perpetual growing, and immense revenue to England—for which the colonies received but little or no equivalent.

Beside a constitutional and insuperable objection remained; taxes could not be levied without consent of the colonies, in a British parliament, as this would be nothing short of holding all their property, at the disposal of a foreign and interested government, and evidently reducing them to a condition of shame and vassallage; If just that they should contribute, it ought to be on "requisition," as was always the practice, the constitutional right of consent by their representatives, might thus be preserved.

(1) New Hampshire declined to send members: Virginia and North Carolina, sent none, their assemblies not being in session to appoint.

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It has been seen, that in *Mar.* 1764, less than a year after Mr. *Grenville* came into office, he brought the question before the house of commons, who unanimously affirmed the right of parliament to tax America; and that it ought to be done.—See p. 16.

In consequence of this, the 1st act was passed *Ap.* 5, called the “sugar act.” 9 *Stats.* 152. 4 *Geo.* 3. c. 15.—Then the stamp act, *Mar.* 22, 1765, p. 18.—Then the “glass, paper, and tea act” &c. *June* 29, 1767, p. 27,—with all their accompanying and oppressive regulations and consequences.

One object of this note is, to put the reader in possession of the names and offices, of the principal ministers of state in England, so often mentioned in American affairs.

The elder *Wm. Pitt*, became one of the secretaries of state and prime minister, under *Geo.* 2d, in the autumn of 1757, at the time when the war which commenced in 1754, raged throughout America, and great part of Europe; when the British arms were in all quarters unsuccessful, and the nation in utter despondency.

It is known how his vigorous mind and talents, changed this state of things:—But just before the peace, which promised unrivaled honours to himself, and gave to his country such vast pre-eminence over all nations, he suddenly resigned in disgust. This was *Oct.* 5, 1761,—within a year from the death of *Geo.* 2, who died *Oct.* 25, 1760.

Pitt refused a title, but accepted a pension of 3000*l.* a year, and the creation of his wife to be a baroness; willing that a title should descend to his heirs. However, his seat in the house of commons continued. On his resignation, [*Oct.* 1761.] the earls of *Bute* and *Egremont*, became secretaries of state; under the administration of the duke of *Newcastle*, first commissioner of the treasury, and prime minister.

In *May*, 1762, the duke of *Newcastle* resigned, and lord *Bute* was placed at the head of the treasury; and prime minister.

Bute, resigned *Ap.* 1763, immediately after the conclusion of the peace: and by his advice, the honourable *Geo. Grenville* became first commissioner of the treasury, and prime minister; the earls of *Egremont*, and *Halifax*, secretaries of state.

Mr. *Grenville*, had but just succeeded in carrying through the stamp act, when at the supposed instance of lord *Bute*, (who is always represented as standing behind the throne,) a new administration was formed, *July* 10, 1765, the marquis of *Rockingham* first commissioner of the treasury, and prime minister; gen. *Conway*, and the duke of *Grafton*, secretaries of state.

They were decidedly opposed to the stamp act, gen. *Conway* had voted against its passage in the house of commons; and upon the ground that the parliament of England, could not of right tax America.

The act was repealed with great reluctance on the part of the king, *Mar.* 19, 1766,—before it had been 5 months in operation, for it was not to go into effect until *Nov.* 1, 1765.—8 months after passing it.

The *Rockingham* administration was split to pieces soon after the repeal of this act;—and in the summer of 1766, the duke of *Grafton*, was named successor to the marquis of *Rockingham*; the earl of *Shelburne* and gen. *Conway* secretaries of state; *Charles Townshend*, chancellor of the exchequer; he succeeded Mr. *Dowdeswell*.

This administration was formed by the advice of Mr. *Pitt*;—he at this time accepted the title of lord *Chatham*, and took his seat in the house of peers, with the office of keeper of the privy seal: lord *Camden* was appointed chancellor.

Ld. *Chatham*, though not the first minister, was looked upon as directing the affairs of the cabinet: The gout and other infirmities, with conflicting opinions and views, prevented his exercising much control. The very ensuing year, [1767] the plan of taxing America was revived, and brought forward by *Charles Townshend* and others; although lord *Chatham* was then, and always had been, opposed to colonial taxes, he was unable to arrest this disastrous measure; and indeed, prevented by sickness from attendance in the house of lords. Late in 1768, disgusted and broken down by infirmities of body and mind, he resigned his office of privy seal, and retired for 2 years into the country, and lived in privacy: unexpectedly however, he recovered his health and vigor of intellect, and came forward again in the beginning of 1770, upon the theatre of public affairs in parliament; took a most distinguished part against ministers in the affair of *Wilkes*, and in their future measures against the colonies.

As before observed, *Charles Townshend*, the chancellor of the exchequer, carried through the “glass, paper, and tea bill,” in *June*, 1767, it proved eventually, the rock on which the colonial power of Great Britain, was beat to pieces.

The projector did not live to witness the fruits of it, as he died in *Sep.* within 3 months after its passage.

Lord *North* succeeded *Townshend*, as chancellor of the exchequer in *Sep.* 1767.

In *Jan.* 1770, the duke of *Grafton*, premier, resigned, and lord *North* became first commissioner of the treasury, and prime minister; and *March* 5, 1770, brought in the bill to repeal the “glass, paper, and tea act,” of 1767, with the exception of tea; and it was repealed accordingly, 1770, *Ap.* 12. Lord *Camden* had been dismissed from office before the duke of *Grafton* retired.

Lord *North*, in *June*, 1773, revived the system of taxation, in the manner mentioned in these notes, by attempting to enforce the tea duty under the act of 1767. He continued in office until *March*, in 1782. It is not necessary here to carry this summary further; or in more detail in respect of the subordinate ministers; changes occurred, but they co-operated with ld. *North*.

APPENDIX—Part 1st.—Miscellaneous.

The reader by adverting to this official deduction occasionally, (which is the reason for introducing it,) will better comprehend allusions to individuals who are spoken of in these notes, between 1764 and May, 1775; to which the history is now brought.

I revert to the *stamp act*; which was repealed, under the *Rockingham* administration, March 19, 1766. (1) Doubtless this in some degree may be attributed to the opposition in America: But the measure had been resolved upon, by that ministry which succeeded Mr. *Grenville's*, 1765, July 10. This resolution was before any account had been received in England, relative to the temper and scenes which were exhibited in the colonies, in the summer and autumn of 1765. What follows, relates to transactions in parliament connected with the repeal.

In Jan. 1766, when parliament met, the subject of American affairs immediately came up in the house of commons; upon the *address* to the king in Jan. and on the bringing in the bill by ministers to repeal, [Feb. 22.] animated and continued debates took place, upon the *right* to tax the colonies in a British parliament; and upon the *policy* of continuing the stamp act.

Mr. *Pitt*, who had been out of office from 1761.—Gen. *Conway*, one of the secretaries of state, who moved the *repeal*, Mr. *Burke* and others, supported it in the commons: the two first, upon the principle that parliament could not of right, legislate over the colonies in laying taxes; Mr. *Burke* on its impolicy; *Geo. Grenville* the ex-minister, of course opposed ministers, who anxiously favoured the repeal; he supported both the right and the policy of the act, and defended his plan of taxing the colonies.

In the house of peers, lord *Mansfield* maintained the *right*, but reprobated the original expediency of the act; yet thought it should be enforced, since the Americans denied the right; and their opposition proceeding on this ground, Great Britain could not yield without relinquishing her supremacy.

Lord *Camden* maintained, that the bill ought to be repealed, upon principles both of right and policy; it is his argument which is adverted to by lord *Mansfield*, below.

As these great questions, underwent at that period [Jan. and Feb. 1766.] a full discussion in parliament, and agitated the whole British empire; I have in this place given the *speech* of lord *Mansfield* in the house of peers, and Mr. *Pitt's* in the commons, as containing the substance of the arguments on both sides of the question, in the British legislature. They will serve also as a key, to many incidental allusions in the account I have given of the stamp act, and other parliamentary measures.

Volumes could be filled with celebrated speeches, pamphlets, and resolves, which this short lived act gave birth to, on both sides of the ocean. These are selected, as at least, most distinguished in Westminster hall, by the celebrity of the speakers; and that of Mr. *Pitt* in particular, as being so often made the subject of encomium in America. I avail myself of *Dr. Chapman's* introductions to these two speeches.

To Ld. Mansfield's he prefixes the following.

“The *Rockingham* administration were scarcely established in office, when the disturbances excited throughout the American dependencies, by the passage of the stamp act at the preceding session, were pressed on their attention. Discussions, warm, animated, and frequent, arose immediately after the meeting of parliament, between the late and present ministry, upon the difficult question of the right, as well as the expediency of taxing the colonies.

In one of these debates, the earl of *Mansfield* delivered his sentiments on the right of taxation, separated entirely from the consideration of expediency. This speech, we are authorized to state, was carefully corrected for the press by his lordship, and is therefore a genuine specimen of his eloquence. We are led to preserve it not less on that account, than as containing the most plausible and argumentative defence of the side of the question it adopts, that it has ever received.

The ministry, it is known, pursued a middle course, expecting by it to be able to heal the wounded pride of the Americans, while they maintained the supremacy of the mother country. They repealed the *obnoxious bill*, but at the same time passed a *declaratory act*, asserting the right and power of Great Britain, to bind the colonies in all cases whatever. Their fine wrought project of conciliation succeeded for a few years; the colonists then discovered, that though relieved of the *actual burden of taxation*, the *abstract right* continued with the parent state, and from an apprehension of a future, practical assertion of it, became exceedingly discontented, till finally, the assembly of Massachusetts by a formal resolution, voted the *declaratory act* to be a *grievance*. This measure of the colonial legislature, may be considered as among the primary links of the chain of events, which terminated in the disunion of the British empire.”

(1) Dec. 5. ensuing, a bill passed in Massachusetts for indemnifying the sufferers in the riots, occasioned by the stamp act,—also a free and general pardon, to the offenders in the late times; It was disallowed by the king, on account of the assembly's having incorporated in it, an act of pardon without his majesty's previous consent: The sufferers however received the compensation, and the offenders were not prosecuted: The damages paid, were to Mr. *Hutchinson*, ch. just. and lt gov. 2396l. 3s. 1d. 1-2, Mr. *A. Oliver* 129l. 3s. Mr. *Hallowell* 289l. 0s. 1d. 1-2, Mr. *Story* 50l. 11s. 6d. 3-4, sterling money. Canada, Nova Scotia, and the W. Ind. Islands, &c. pretty quietly submitted to the act.

APPENDIX—Part 1st.—*Miscellaneous.*

LORD MANSFIELD'S SPEECH,

IN THE HOUSE OF LORDS, FEBRUARY THE THIRD, 1766, ON THE RIGHT OF TAXING AMERICA.

MY LORDS,

I shall speak to the question strictly as a matter of right ; for, it is a proposition in its nature so perfectly distinct from the expediency of the tax, that it must necessarily be taken separate, if there is any true logick in the world ; but of the expediency or in expediency, I will say nothing. It will be time enough to speak upon that subject, when it comes to be a question.

I shall also speak to the distinctions which have been taken, without any real difference, as to the nature of the tax ; and I shall point out lastly the necessity there will be, of exerting the force of the superiour authority of government, if opposed by the subordinate part of it.

I am extremely sorry that the question has ever become necessary to be agitated, and that there should be a decision upon it. No one in this house will live long enough to see an end put to the mischief, which will be the result of the doctrine which has been inculcated : but the arrow is shot, and the wound already given. I shall certainly avoid personal reflections : no one has had more cast upon him than myself ; but I never was biassed by any consideration of applause from without, in the discharge of my publick duty ; and in giving my sentiments according to what I thought law, I have relied upon my own consciousness. It is with great pleasure I have heard the noble lord, who moved for the resolution, (1) express himself in so many and sensible a way, when he recommended a dispassionate debate, while, at the same time, he urged the necessity of the house coming to such a resolution, with great dignity and propriety of argument.

I shall endeavour to clear away from the question, all that mass of dissertation and learning, displayed in arguments which have been fetched from speculative men who have written upon the subject of government, or from ancient records, as being little to the purpose. I shall insist that these records are no proofs of our present constitution. A noble lord has taken up his argument, from the settlement of the constitution at the revolution : I shall take up my argument from the constitution as it now is. The constitution of this country has been always in a moving state, either gaining or losing something : and with respect to the modes of taxation, when we get beyond the reign of Edward the first, or of king John, we are all in doubt and obscurity. The history of those times is full of uncertainties. In regard to the writs upon record, they were issued some of them according to law, and some not according to law ; and such were those concerning ship money, to call assemblies to tax themselves, or to compel benevolences. Other taxes were raised from escuage, fees for knights service, and by other means arising out of the feudal system. Benevolences are contrary to law ; and it is well known how people resisted the demands of the crown in the case of ship money, and were persecuted by the court ; and, if any set of men were to meet now to lend the king money, it would be contrary to law, and a breach of the rights of parliament. I shall answer the noble lord particularly upon the cases he has quoted.

“With respect to the Marches of Wales, who were the borderers, privileged for assisting the king in his war against the Welsh in the mountains ; their enjoying this privilege of taxing themselves was but of short duration, and during the life of Edward the First, till the prince of Wales came to be the king ; and then they were annexed to the crown, and became subject to taxes like the rest of the dominions of England, and from thence came the custom, though unnecessary, of naming Wales and the town of Monmouth in all proclamations, and in acts of parliament. Henry the Eighth was the first, who issued writs for it to return two members to parliament. The crown exercised this right *ad libitum*, from whence arises the inequality of representation in our constitution at this day. Henry VIII, issued a writ to Calais to send one burges to parliament. One of the counties Palatine, (I think he said Durham) was taxed fifty years to subsidies before it sent members to parliament. The clergy were at no time unrepresented in parliament. When they taxed themselves, it was done with the concurrence and consent of parliament, who permitted them to tax themselves upon their petition, the convocation sitting at the same time with the parliament : they had too their representatives always sitting in this house, bishops and abbots ; and in the other house they were at no time, without a right of voting singly for the election of members ; so that the argument, fetched from the case of the clergy, is not an argument of any force, because they were at no time unrepresented here.

(1) *To repeat.*

APPENDIX—Part 1st.—*Miscellaneous. (Mansfield's Speech.)*

“The reasoning about the colonies of Great Britain, drawn from the colonies of antiquity, is a mere useless display of learning; for, the colonies of the Tyrians in Africa, and of the Greeks in Asia, were totally different from our system. No nation before ourselves formed any regular system of colonization, but the Romans; and their system was a military one, and of garrisons placed in the principal towns of the conquered provinces. The states of Holland were not colonies of Spain; but they were states dependent upon the house of Austria in a feudal dependence. Nothing could be more different from our colonies than that flock of men, as they have been called, who came from the North, and poured into Europe. These emigrants renounced all laws, all protection, all connexion with their mother countries: they chose their leaders, and marched under their banners to seek their fortunes and establish new kingdoms, upon the ruins of the Roman empire; whereas our colonies, on the contrary, emigrated under the sanction of the crown and parliament. They were modelled gradually into their present forms, respectively, by charters, grants, and statutes; but they were never separated from the mother country, or so emancipated as to become *sui juris*. There are several sorts of colonies in British America. The charter colonies, the proprietary governments, and the king's colonies. The first colonies were the charter colonies, such as the Virginia company; and these companies had among their directors, members of the privy council and of both houses of parliament; they were under the authority of the privy council, and had agents resident here, responsible for their proceedings. So much were they considered as belonging to the crown, and not to the king personally, (for there is a great difference, though few people attend to it) that when the two houses, in the time of Charles the First, were going to pass a bill concerning the colonies, a message was sent to them by the king, that they were the king's colonies, and that the bill was unnecessary, for that the privy council would take order about them; and the bill never had the royal assent. The commonwealth parliament, as soon as it was settled, were very early jealous of the colonies separating themselves from them, and passed a resolution or act, and it is a question whether it is not in force now, to declare and establish the authority of England over its colonies. But if there was no express law, or reason, founded upon any necessary inference from an express law, yet the usage alone would be sufficient to support that authority: for, have not the colonies submitted ever since their first establishment to the jurisdiction of the mother country? In all questions of property, the appeals from the colonies have been to the privy council here, and such causes have been determined, not by the law of the colonies, but by the law of England. A very little while ago, there was an appeal on a question of limitation, in a devise of land with remainders; and, notwithstanding the intention of the testator appeared very clear, yet the case was determined contrary to it, and that the land should pass according to the law of England. The colonies have been obliged to recur very frequently to the jurisdiction here, to settle the disputes among their own governments. I well remember several references on this head, when the late lord Hardwicke was attorney general, and sir Clement Wearg solicitor general. New Hampshire and Connecticut were in blood about their differences: Virginia and Maryland were in arms against each other. This shows the necessity of one superior decisive jurisdiction, to which all subordinate jurisdictions may recur. Nothing, my lords, could be more fatal to the peace of the colonies at any time, than the parliament giving up its authority over them; for in such a case there must be an entire dissolution of government. Considering how the colonies are composed, it is easy to foresee there would be no end of feuds and factions among the several separate governments, when once there shall be no one government here or there, of sufficient force or authority to decide their mutual differences; and, government being dissolved, nothing remains but that the colonies must either change their constitution, and take some new form of government, or fall under some foreign power. At present, the several forms of their constitution are very various, having been produced, as all governments have been originally, by accident and circumstances. The forms of government in every colony were adapted, from time to time, according to the size of the colony; and so have been extended again, from time to time, as the numbers of their inhabitants and their commercial connexions outgrew the first model. In some colonies, at first there was only a governour assisted by two or three council; then more were added, afterwards courts of justice were erected, then assemblies were created. Some things were done by instructions from the secretaries of state, other things were done by order of the king and council, and other things by commissions under the great seal. It is observable, that in consequence of these establishments from time to time, and of the dependency

APPENDIX—Part 1st.—*Miscellaneous.*—(*Mansfield's Speech.*)

of these governments upon the supreme legislature at home, the lenity of each government in the colonies has been extreme towards the subject; and a very great inducement it has been to people to come and settle in them. But, if all those governments which are now independent of each other, should become independent of the mother country, I am afraid that the inhabitants of the colonies are very little aware of the consequences. They would feel in that case very soon, the hand of power more heavy upon them in their own governments, than they have yet done, or have ever imagined.

"The constitutions of the different colonies are made up of the different principles, and must remain dependent, from the necessity of things, and their relations upon the jurisdiction of the mother country; or they must be totally dismembered from it, and form a league of union among themselves against it, which could not be effected without great violences. No one ever thought the contrary, till the trumpet of sedition has been blown. Acts of parliament have been made, not only without a doubt of their legality, but with universal applause, the great object of which has been ultimately to fix the trade of the colonies, so as to centre in the bosom of that country from whence they took their original. The navigation act shut up their intercourse with foreign countries. Their ports have been made subject to customs and regulations, which have cramped and diminished their trade. And duties have been laid, affecting the very inmost parts of their commerce, and, among others, that of the post; yet all these have been submitted to peaceably, and no one ever thought till now of this doctrine, that the colonies are not to be taxed, regulated, or bound by parliament. A few particular merchants were then, as now, displeased at restrictions, which did not permit them to make the greatest possible advantages of their commerce, in their own private and peculiar branches; but, though these few merchants might think themselves losers in articles which they had no right to gain, as being prejudicial to the general and national system, yet I must observe that the colonies, upon the whole, were benefited by these laws; because these restrictive laws, founded upon principles of the most solid policy, flung a great weight of naval force into the hands of the mother country, which was to protect its colonies, and without a union with which the colonies must have been entirely weak and defenceless, but which became relatively great, subordinately, and in proportion as the mother country advanced in superiority, over the rest of the maritime powers in Europe, to which both mutually contributed, and of which both have reaped a benefit, equal to the natural and just relation in which they both stand reciprocally, of dependency on one side, and protection on the other.

"There can be no doubt, my lords, but that the inhabitants of the colonies are as much represented in parliament, as the greatest part of the people of England are represented; among nine millions of whom, there are eight which have no votes in electing members of parliament. Every objection therefore, to the dependency of the colonies upon parliament, which arises to it upon the ground of representation, goes to the whole present constitution of Great Britain; and I suppose it is not meant to new model that too. People may form speculative ideas of perfection, and indulge their own fancies, or those of other men. Every man in this country has his particular notion of liberty; but perfection never did, and never can, exist in any human institution. To what purpose then are arguments drawn from a distinction, in which there is no real difference, of a virtual and actual representation? A member of parliament, chosen for any borough, represents not only the constituents and inhabitants of that particular place, but he represents the inhabitants of every other borough in Great Britain. He represents the city of London, and all other the commons of this land, and the inhabitants of all the colonies and dominions of Great Britain, and is, in duty and conscience, bound to take care of their interests.

"I have mentioned the customs and the post tax. This leads me to answer another distinction, as false as the above; the distinction of internal and external taxes. The noble lord, who quoted so much law, and denied upon those grounds, the right of the parliament of Great Britain to lay internal taxes upon the colonies, allowed at the same time that restrictions upon trade, and duties upon the ports, were legal. But I cannot see a real difference in this distinction; for I hold it to be true, that a tax laid in any place is like a pebble, falling into and making a circle in a lake, till one circle produces and gives motion to another, and the whole circumference is agitated from the centre; for, nothing can be more clear than that a tax of ten or twenty *per cent* laid upon tobacco, either in the ports of Virginia or London, is a duty laid upon the inland plantations of Virginia, a hundred miles from the sea, wheresoever the tobacco grows.

APPENDIX—Part 1st.—Miscellaneous. (*Mansfield's Speech.*)

"I do not deny, but that a tax may be laid injudiciously and injuriously, and that people in such a case may have a right to complain; but the nature of the tax is not now the question; whenever it comes to be one, I am for lenity—I would have no blood drawn. There is, I am satisfied, no occasion for any to be drawn. A little time and experience of the inconveniences and miseries of anarchy, may bring people to their senses.

"With respect to what has been said or written upon this subject, I differ from the noble lord, who spoke of Mr. Otis and his book with contempt, though he maintained the same doctrine in some points, although in others he carried it further than Otis himself; who allows every where the supremacy of the crown over the colonies. No man on such a subject is contemptible. Otis is a man of consequence among the people there. They have chosen him for one of their deputies at the congress, and general meeting from the respective governments. It was said, the man is mad; what then? One madman often makes many. Massaniello was mad. Nobody doubts it; yet, for all that, he overturned the government of Naples. Madness is catching in all popular assemblies, and upon all popular matters. The book is full of wildness: I never read it till a few days ago, for I seldom look into such things. I never was actually acquainted with the contents of the Stamp Act, till I sent for it on purpose to read it before the debate was expected. With respect to authorities in *another house*, I know nothing of them. I believe that I have not been in that house more than once, since I had the honour to be called up to this: and, if I did know any thing that passed in the other house, I could not and would not mention it as an authority here. I ought not to mention any such authority. I should think it beneath my own and your lordships' dignity to speak of it.

"I am far from bearing any ill will to the Americans; they are a very good people, and I have long known them. I began life with them, and owe much to them, having been much concerned in the plantation causes before the privy council, and so I became a good deal acquainted with American affairs and people. I dare say their heat will soon be over, when they come to feel a little the consequences, of their opposition to the legislature. Anarchy always cures itself; but the fermentation will continue so much the longer, while hot headed men there find, that there are persons of weight and character to support and justify them here.

"Indeed, if the disturbances should continue for a great length of time, force must be the consequence, an application adequate to the mischief, and arising out of the necessity of the case; for, force is only the difference between a superiour and subordinate jurisdiction. In the former, the whole force of the legislature resides collectively, and when it ceases to reside, the whole connexion is dissolved. It will, indeed, be to very little purpose that we sit here enacting laws and making resolutions, if the inferiour will not obey them, or if we neither can nor dare enforce them; for then, and then, I say, of necessity, the matter comes to the sword. If the offspring are grown too big and too resolute to obey the parent, you must try which is the strongest, and exert all the powers of the mother country to decide the contest.

"I am satisfied, notwithstanding, that time and a wise and steady conduct, may prevent those extremities which would be fatal to both. I remember well when it was the violent humour of the times, to decry standing armies and garrisons, as dangerous and incompatible with the liberty of the subject. Nothing would do but a regular militia. The militia are embodied; they march, and no sooner was the militia law thus put into execution, but it was then said to be an intolerable burden upon the subject, and that it would fall, sooner or later, into the hands of the crown. That was the language, and many counties petitioned against it. This may be the case with the colonies. In many places they begin already to feel the effects of their resistance to government. Interest very soon divides mercantile people; and although there may be some mad, enthusiastick, or ill designing people in the colonies, yet I am convinced that the greatest bulk, who have understanding and property, are still well affected to the mother country. You have, my lords, many friends still in the colonies; and take care that you do not, by abdicating your own authority, desert them and yourselves, and lose them for ever.

"In all popular tumults, the worst men bear the sway at first. Moderate and good men are often silent for fear or modesty; who, in due time, may declare themselves. Those who have any property to lose are sufficiently alarmed already, at the progress of these publick violences and violations, to which every man's dwelling, person, and property, are hourly exposed. Numbers of

APPENDIX—Part 1st.—*Miscellaneous.*

such valuable men and good subjects, are ready and willing to declare themselves for the support of government in due time, if government does not fling away its own authority:—

“My lords, the parliament of Great Britain has its rights over the colonies; but it may abdicate its rights.

“There was a thing which I forgot to mention. I mean the manuscript quoted by the noble lord. He tells you, that it is there said, that, if the act concerning Ireland had passed, the parliament might have abdicated its rights as to Ireland. In the first place, I heartily wish, my lords, that Ireland had not been named, at a time when that country is of a temper and in a situation, so difficult to be governed; and when we have already here so much weight upon our hands, encumbered with the extensiveness, variety, and importance, of so many objects in a vast and too busy empire; and the national system shattered and exhausted by a long, bloody, and expensive war, but more so by our divisions at home, and a fluctuation of councils. I wish Ireland therefore had never been named.

“I pay as much respect as any man to the memory of lord chief justice Hale: but I did not know that he had ever written upon the subject; and I differ very much from thinking with the noble lord, that this manuscript ought to be published. So far am I from it, that I wish the manuscript had never been named; for, Ireland is too tender a subject to be touched. The case of Ireland is as different as possible from that of our colonies. Ireland was a conquered country; it had its *pacta conventa*, and its *regalia*. But to what purpose is it to mention the manuscript? It is but the opinion of one man. When it was written, or for what particular object it was written, does not appear. It might possibly be only a work of youth, or an exercise of the understanding, in sounding and trying a question problematically. All people, when they first enter professions, make their collections pretty early in life; and the manuscript may be of that sort. However, be it what it may, the opinion is but problematical; for, the act to which the writer refers never passed, and lord Hale only said, that, if it had passed, the parliament might have abdicated their right.

“But, my lords, I shall make this application of it. You may abdicate your right over the colonies. Take care, my lords, how you do so; for, such an act will be irrevocable. Proceed, then, my lords, with spirit and firmness; and, when you shall have established your authority, it will then be a time to show your lenity. The Americans, as I said before, are a very good people, and I wish them exceedingly well; but they are heated and inflamed. The noble lord who spoke before ended with a prayer. I cannot end better than by saying to it, Amen; and in the words of Maurice Prince of Orange concerning the Hollanders, ‘*God bless this industrious, frugal and well meaning, but easily deluded people.*’”

“In the preceding speech of Earl Mansfield, we have seen the right of taxing the colonies maintained, with all the cogency of reasoning and dexterity of argument, which he eminently possessed. To exhibit a view of the grounds taken on the opposite side, and the manner of their defence, we introduce a speech of the elder Pitt, delivered in the debate on the usual address to the throne, at the opening of parliament.

“We have remarked, in another place, that prior to the year 1770, no authentick example of Mr. Pitt’s eloquence had been preserved. The discovery of the present speech persuades us that we were, at least as relates to it, deceived. There can be little doubt of its genuineness. The peculiarities of his style are conspicuously displayed in it. We have, moreover, learnt from a source in which we can confide, that it was reported by the Earl of Charlemont, an accomplished scholar, and an adroit stenographer, that he might communicate to the people of Ireland, who were deeply interested in the subject, the sentiments of Mr. Pitt, on the right of taxing America.

“It was in this memorable debate that Mr. Burke, for the first time spoke in parliament. His speech was complimented by Mr. Pitt in terms peculiarly grateful to the ambition of a young man. After descending on its general merits, he with perfect truth observed, ‘that, Mr. Burke was the only person since the age of Cicero, who united the talent of speaking and writing, with irresistible force and elegance.’ *Chapman.*

THE SPEECH OF WILLIAM PITT, THE ELDER,

IN THE HOUSE OF COMMONS, JANUARY 16, 1766, ON THE ADDRESS TO THE THRONE, IN WHICH THE RIGHT OF TAXING AMERICA IS DISCUSSED.

MR. SPEAKER,

“I came to town but to day. I was a stranger to the tenor of his majesty’s speech, and the proposed address, till I heard them read in this house. Unconnected and unconsulted, I have not

APPENDIX—Part 1st.—*Miscellaneous. (Pitt's Speech.)*

the means of information. I am fearful of offending through mistake, and therefore beg to be indulged with a second reading of the proposed address. (1) I commend the king's speech, and approve of the address in answer; as it decides nothing, every gentleman being left at perfect liberty to take such a part concerning America, as he might afterwards see fit. One word only I cannot approve of, an *early*, is a word that does not belong to the notice the ministry have given to parliament, of the troubles in America. In a matter of such importance, the communication ought to have been immediate. I speak not with respect to parties. I stand up in this place, single and independent. As to the late ministry, (2) every capital measure they have taken, has been entirely wrong!

"As to the present gentlemen, those at least whom I have in my eye, (3) I have no objection. I have never been made a sacrifice by any of them. Their characters are fair; and I am always glad, when men of fair character engage in his majesty's service. Some of them did me the honour, to ask my opinion before they would engage. These will now do me the justice to own, I advised them to do it; but notwithstanding, to be explicit, I cannot give them my confidence. Pardon me, gentlemen, (4) confidence is a plant of slow growth in an aged bosom. Youth is the season of credulity. By comparing events with each other, reasoning from effects to causes, methinks I plainly discover the traces of an overruling influence.

"There is a clause in the act of settlement, to oblige every minister to sign his name to the advice which he gives to his sovereign. Would it were observed—I have had the honour to serve the crown, and if I could have submitted to influence, I might have still continued to serve: but I would not be responsible for others. I have no local attachments. It is indifferent to me, whether a man was rocked in his cradle, on this side or that side of the Tweed. I sought for merit wherever it was to be found. It is my boast, that I was the first minister who looked for it, and I found it, in the mountains of the North: (5) I called it forth, and drew it into your service, a hardy and intrepid race of men—men, who, when left by your jealousy, became a prey to the artifices of your enemies, and had gone nigh to have overturned the state, in the war before the last. These men, in the last war, were brought to combat on your side; they served with fidelity as they fought with valour, and conquered for you in every part of the world. (6) Detested be the national reflections against them! They are unjust, groundless, illiberal, unmanly. When I ceased to serve his majesty as a minister, it was not the *country* of the man by which I was moved—but *the man* of that country wanted *wisdom*, and held principles incompatible with *freedom*. (7)

"It is a long time, Mr. Speaker, since I have attended in parliament. When the resolution was taken in this house to tax America, (8) I was ill in bed. If I could have endured to have been carried in my bed, so great was the agitation of my mind for the consequences, I would have solicited some kind hand to have laid me down on this floor, to have borne my testimony against it! It is now an act that has passed. I would speak with decency of every act of this house: but I must beg the indulgence of the house to speak of it with freedom.

"I hope a day may be soon appointed, to consider the state of the nation with respect to America. I hope gentlemen will come to this debate, with all the temper and impartiality that his majesty recommends, and the importance of the subject requires. A subject of greater importance than ever engaged the attention of this house—that subject only excepted, when, near a century ago, it was the question, whether you yourselves were to be bound or free. In the mean time, as I cannot depend upon my health for any future day, such is the nature of my infirmities, I will beg to say a few words at present, leaving the justice, the equity, the policy, the expediency of the act, to another time. I will only speak to one point, a point which seems not to have been generally understood. I mean to the *right*. Some gentlemen seem to have considered it as a point of honour. If gentlemen consider it in that light, they leave all measures of right and wrong, to follow a delusion that may lead to destruction. It is my opinion, that this kingdom has *NO RIGHT TO LAY A TAX UPON THE COLONIES*. At the same time, I assert the authority of this kingdom over the colonies, to be *sovereign and supreme, in every circumstance of government and legislation*.

(1) *The address being read, Mr. Pitt went on.* (2) *Turning himself to Mr. Grenville's, ex-minister, who sat within one of him.* (3) *Looking at the bench where Mr. Conway sat, with the lords of the treasury.* (4) *Bowing to the ministry.* (5) *Highlands.* (6) *Scotch highlanders.* (7) *Alluding to lord Bute.* (8) *By the stamp act.*

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whatsoever. (1) They are the subjects of this kingdom, equally entitled with yourselves to all the natural rights of mankind, and the peculiar privileges of Englishmen. Equally bound by its laws, and equally participating of the constitution of this free country. The Americans are the sons, not the bastards of England. *Taxation* is no part of the governing or legislative power.—The taxes are a *voluntary gift and grant of the commons alone*. In legislation, the three estates of the realm are alike concerned, but the concurrence of the peers and the crown to a tax, is only necessary to close with the form of a law. The gift and grant is of the commons alone. In ancient days, the crown, the barons, and the clergy, possessed the lands. In those days, the barons and the clergy gave and granted to the crown. They gave and granted what was their own. At present, since the discovery of America, and other circumstances permitting, the commons are become the proprietors of the land. The church, God bless it, has but a pittance. The property of the lords compared with that of the commons, is as a drop of water in the ocean; and this house represents those commons, the proprietors of the lands: and those proprietors virtually represent the rest of the inhabitants. When, therefore, in this house we give and grant, we give and grant what is our own. But in an American tax, what do we do? We, your majesty's commons for Great Britain give and grant to your majesty, what? Our own property? No. We give and grant to your majesty, the property of your majesty's commons of America. It is an absurdity in terms.

"The distinction between legislation, and taxation, is essentially necessary to liberty. The crown, the peers, are equally legislative powers with the commons. If taxation be a part of simple legislation, the crown, the peers, have rights in taxation as well as yourselves; rights which they will claim, which they will exercise, whenever the principle can be supported by power.

"There is an idea in some, that the colonies are virtually represented, in the house. I would fain know by whom, an American is represented here? Is he represented by any knight of the shire, in any county in this kingdom? *Would to God, that respectable representation was augmented, to a greater number!* Or will you tell him, that he is represented by any representative of a borough—a borough which, perhaps, its own representatives never saw. This is what is called *the rotten part of the constitution*. It cannot continue a century. If it does not drop, it must be amputated. The idea of a virtual representation of America in this house, is the most contemptible idea that ever entered into the head of a man. It does not deserve a serious refutation.

"The commons of America, represented in their several assemblies, have ever been in pos-

(1) *On the right of imposing taxes, the English principle is clearly stated by sir Wm. Blackstone:—It belongs exclusively to the house of commons in England, to propose taxes, because, the supplies are raised on the body of the people, and therefore it is proper they alone, (meaning the commons who are their representatives,) should have the right of taxing themselves; This principle in some measure authorised the position, laid down by Mr. Pitt, (though treated by his opponents, as paradoxical and absurd,) "that taxation was no part of the governing, or legislative power in England."*

I copy the section from Blackstone here, to elucidate the grounds and limitations, of this exclusive right of taxation in the popular branch.

Some of our constitutions, vest the sole right of originating money bills, in the most numerous branch of the legislature; and some of them I believe, deny to the senate, council, or smaller branch, even the right of amending a money bill. Questions therefore have been made as to what constitutes a money bill; on which there have been differing opinions. As we take this principle from the English constitution, we must look for information on this point, to English expositions.

"V. *The peculiar laws and customs of the house of commons, (says Blackstone,) relate principally to the raising of taxes, and the elections of members to serve in parliament.*

"First, with regard to taxes: it is the ancient indisputable privilege and right of the house of commons, that all grants of subsidies or parliamentary aids, do begin in their house, and are first bestowed by them; although their grants are not effectual to all intents and purposes, until they have the assent of the other two branches of the legislature. The general reason given for this exclusive privilege, of the house of commons, is, that the supplies are raised upon the body of the people, and therefore it is proper that they alone should have the right, of taxing themselves. This reason would be unanswerable, if the commons taxed none but themselves; but it is notorious, that a very large share of property is in the possession, of the house of lords: that this property is equally taxable, and taxed, as the property of the commons; and therefore the commons not being the sole persons taxed, this cannot be the reason of their having the sole right, of raising and modelling the supply. The true reason, arising from the spirit of our constitution, seems to be this;—the lords being a permanent hereditary body, created at pleasure by the king, are supposed

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session of the exercise of this, their constitutional right, of giving and granting their own money. They would have been slaves if they had not enjoyed it. At the same time, this kingdom, as the supreme governing and legislative power, has always bound the colonies by her laws, by her regulations and restrictions in trade, in navigation, in manufactures—in every thing, except that, of taking their money out of their pockets, without their consent.

"Here I would draw the line,

Quam ultra citraque neque consistere rectum.

"As soon as *Mr. Pitt* concluded, general *Conway* arose, and succinctly avowed his entire approbation of that part of his speech, which related to American affairs; but disclaimed altogether that "*secret overruling influence which had been hinted at.*" *Mr. George Grenville*, who followed him in the debate, expatiated at large on the tumults and riots which had taken place in the colonies, and declared, that they bordered on rebellion. He condemned the language and sentiments which he had heard, as encouraging a *revolution*. A portion of his speech is here inserted, as explanatory of the replication of *Mr. Pitt*.

"I cannot, said *Mr. Grenville*, understand the difference between external and internal taxes. They are the same in effect, and differ only in name. That this kingdom has the sovereign, the supreme legislative power over America, is granted. It cannot be denied; and taxation is a part of that sovereign power. It is one branch of the legislation. It is, it has been exercised, over those who are not, who were never represented. It is exercised over the India company, the merchants of London, the proprietors of the stocks, and over many great manufacturing towns. It was exercised over the county palatine of Chester, and the bishoprick of Durham, before they sent any representatives to parliament. I appeal for proof to the preambles of the acts, which gave them representatives; one in the reign of Henry VIII, the other in that of Charles II. *Mr. Grenville* then quoted the acts, and desired that they might be read, which being done, he said: 'When I proposed to tax America, (1) I asked the house, if any gentleman would object to the right; I repeatedly asked it, and no man would attempt to deny it. Protection and obedience are reciprocal. Great Britain protects America; America is bound to yield obedience. If not, tell me when the Americans were emancipated? When they want the protection of this kingdom, they are always very ready to ask it. That protection has always been afforded them, in the most full and ample manner. The nation has run herself into an immense debt, to give them their protection; and now they are called upon to contribute a small share towards the publick expense, an expense arising from themselves, they renounce your authority, insult your officers, and break out, I might almost say, into open rebellion. The seditious spirit of the colonies owes its birth, to the factions in this house. Gentlemen are careless of the consequences of what they say, provided it answers the purposes of opposition. We were told we trod on tender ground. We were bid to

more liable to be influenced by the crown, and when once influenced, to continue so, than the commons, who are a temporary elective body, freely nominated by the people. It would therefore be extremely dangerous, to give the lords any power, of framing new taxes for the subject; it is sufficient that they have a power of rejecting, if they think the commons too lavish or improvident in their grants. But so reasonably jealous are the commons, of this valuable privilege, that herein they will not suffer the other house to exert any power, but that of rejecting; they will not permit the least alteration or amendment, to be made by the lords; to the mode of taxing the people by a money bill; under which appellation are included all bills, by which money is directed to be raised upon the subject, for any purpose, or in any shape whatsoever: either for the exigencies of government, and collected from the kingdom in general, as the land tax; or for private benefit, and collected in any particular district, as by turnpikes, parish rates, and the like. Yet *sir Matthew Hale* mentions one case, founded on the practice of parliament in the reign of Henry VI, wherein he thinks the lords may alter a money bill: and that is, if the commons grant a tax, as that of tonnage and poundage, for four years, and the lords alter it to a less time, as for two years: here, he says, the bill need not be sent back to the commons for their concurrence, but may receive the royal assent without farther ceremony; for the alteration of the lords is consistent with the grant of the commons. But such an experiment will hardly be repeated by the lords, under the present improved idea of the privilege of the house of commons, and, in any case where a money bill is remanded to the house of commons, all amendments in the mode of taxation are sure to be rejected." 1. *Black. page 170.* (1) *Mar. 1764.*

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expect disobedience. What was this but telling the Americans to stand out against the law, to encourage their obstinacy, with the expectation of support from hence? Let us only hold out a little, they would say, our friends will soon be in power. Ungrateful people of America! Bounties have been extended to them—When I had the honour of serving the crown, while you yourselves were loaded with an enormous debt, you have given bounties on their lumber, on their iron, their hemp, and many other articles. You have relaxed in their favour, the act of navigation, that palladium of the British commerce; and yet I have been abused in all the public papers, as an enemy to the trade of America! I have been particularly charged with giving orders and instructions, to prevent the Spanish trade, and thereby stopping the channel by which alone, North America used to be supplied with cash, for remittances to this country. I defy any man to produce any such orders or instructions. I discouraged no trade but what was illicit, what was prohibited by an act of parliament. (1) I desire a West India merchant, well known in the city, (2) a gentleman of character, may be examined. He will tell you, that I offered to do every thing in my power, to advance the trade of America. I was above giving an answer to anonymous calumnies; but in this place, it becomes one to wipe off the aspersion.

“Here Mr. Grenville ceased. Several members got up to speak, but Mr. Pitt seeming to rise, the house was so clamorous for Mr. Pitt! Mr. Pitt! that the speaker was obliged to call to order.

“Mr. Pitt said, I do not apprehend I am speaking twice. I did expressly reserve a part of my subject, in order to save the time of this house; but I am compelled to proceed in it. I do not speak twice; I only finish, what I designedly left imperfect. But if the house is of a different opinion, far be it from me to indulge a wish of transgression, against order. I am content, if it be your pleasure, to be silent.”—Here he paused—The house resounding with *Go on! go on!* he proceeded:

“Gentlemen, sir, (3) have been charged, with giving birth to sedition in America. They have spoken their sentiments with freedom, against this unhappy act, and that freedom has become their crime. Sorry I am to hear the liberty of speech in this house, imputed as a crime. But the imputation shall not discourage me. It is a liberty I mean to exercise. No gentleman ought to be afraid to exercise it. It is a liberty by which the gentleman who calumniates it, might have profited. He ought to have desisted from his project. The gentleman tells us, America is obstinate; America is almost in open rebellion. *I rejoice that America has resisted.* Three millions of people, so dead to all the feelings of liberty, as voluntarily to submit to be slaves, would have been fit instruments, to make slaves of the rest. I come not here armed at all points, with law cases and acts of parliament, with the statute book doubled down in dog's ears, to defend the cause of liberty; if I had, I myself would have cited the two cases of Chester and Durham. I would have cited them, to have shown that, even under former arbitrary reigns, parliaments were ashamed of taxing a people, without their consent; and allowed them representatives. Why did the gentleman confine himself, to Chester and Durham? He might have taken a higher example in Wales: Wales—that never was taxed by parliament, till it was incorporated. I would not debate a particular point of law, with the gentleman; I know his abilities: I have been obliged to his diligent researches. But, for the defence of liberty, upon a general principle, upon a constitutional principle, it is a ground on which I stand firm; on which I dare meet any man. The gentleman tells us of many who are taxed, and are not represented.—The India company, merchants, stockholders, manufacturers. Surely many of these are represented in other capacities, as owners of land, or as freemen of boroughs. It is a misfortune that more, are not equally represented. But they are all inhabitants, and as such, are they not virtually represented? Many have it in their option to be actually represented. They have connections with those that elect, and they have influence over them. The gentleman mentioned the stockholders. I hope he does not reckon the debts of the nation, as a part of the national estate. Since the accession of king William, many ministers, some of great, others of more moderate abilities, have taken the lead of government.”

“He then went through the list of them, bringing it down till he came to himself, giving a short sketch of the characters of each of them. None of these, he said, thought or ever dreamed of rob-

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bing the colonies, of their constitutional rights. That was reserved to mark the era, of the late administration : not that there were wanting some, when I had the honour to serve his majesty, to propose to me to burn my fingers with an American stamp act. With the enemy at their back, with our bayonets at their breasts, in the day of their distress, perhaps the Americans would have submitted to the imposition ; but it would have been taking an ungenerous, an unjust advantage. The gentleman boasts, of his bounties to America ! Are not these bounties intended finally, for the benefit of this kingdom ? If they are not, he has misapplied the national treasures. I am no courtier of America—I stand up for this kingdom : I maintain that the parliament has a right to bind, to restrain America.

“ Our legislative power over the colonies is sovereign and supreme. When it ceases to be sovereign and supreme, I would advise every gentleman to sell his lands, if he can, and embark for that country. When two countries are connected together, like England and her colonies, without being incorporated, the one must necessarily govern. The greater must rule the less ; but so rule it, as not to contradict the fundamental principles, that are common to both.

“ If the gentleman does not understand the difference, between external and internal taxes, I cannot help it ; but there is a plain distinction, between taxes levied for the purposes of raising a revenue, and duties imposed for the regulation of trade, for the accommodation of the subject ; although, in the consequences, some revenue might incidentally arise from the latter.

“ The gentleman asks, when were the colonies emancipated ? But I desire to know, when were they made slaves ? But I dwell not upon words. When I had the honour of serving his majesty, I availed myself of the means of information, which I derived from my office. I speak therefore from knowledge. My materials were good. I was at pains to collect, to digest, to consider them ; and I will be bold to affirm, that the profits to Great Britain from the trade of the colonies, through all its branches, is two millions a year. This is the fund that carried you triumphantly, through the last war. The estates that were rented at two thousand pounds a year, threescore years ago, are at three thousand at present. Those estates sold then from fifteen to eighteen years purchase ; the same may now be sold for thirty.

“ You owe this to America. This is the price America pays you for her protection. And shall a miserable financier, come with a boast, that he can bring a pepper-corn into the exchequer, to the loss of millions to the nation ? I dare not say, how much higher these profits may be augmented. Omitting the immense increase of people, by natural population, in the northern colonies, and the emigration from every part of Europe, I am convinced, the commercial system of America may be altered to advantage. You have prohibited where you ought to have encouraged. You have encouraged where you ought to have prohibited. Improper restraints have been laid on the continent, in favour of the islands. You have but two nations to trade with in America. Would you had twenty ! Let acts of parliament in consequence of treaties remain ; but let not an English minister, become a custom-house officer for Spain, or for any foreign power. Much is wrong. Much may be amended, for the general good of the whole.

“ Does the gentleman complain he has been misrepresented, in the publick prints ? It is a common misfortune. In the Spanish affair of the last war, I was abused in all the newspapers, for having advised his majesty, to violate the laws of nations with regard to Spain. The abuse was industriously circulated even in handbills. If administration did not propagate the abuse, administration never contradicted it. I will not say what advice I did give the king. My advice is in writing, signed by myself, in the possession of the crown. But I will say what advice I did not give to the king. I did not advise him, to violate any of the laws of nations.

“ As to the report of the gentleman's preventing in some way, the trade for bullion with the Spaniards, it was spoken of so confidently, that I own I am one of those who did believe it to be true.

“ The gentleman must not wonder he was not contradicted, when, as the minister, he asserted the right of parliament to tax America. I know not how it is, but there is a modesty in this house which does not choose, to contradict a minister. Even your chair, sir, looks too often towards St. James's. I wish gentlemen would get the better, of this modesty. If they do not, perhaps the collective body may begin to abate, of its respect for the representative. Lord Bacon has told me, that a great question would not fail of being agitated, at one time or another. I was willing to agitate that at the proper season, the German war :—my German war, they called it. Every ses-

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sions I called out, Has any body any objection to the German war? Nobody would object to it, one gentleman only excepted, since removed to the upper house by succession, to an ancient barony: (meaning lord Le Despencer, formerly Sir Francis Dashwood.) He told me, 'He did not like a German war.' I honoured the man for it, and was sorry when he was turned out of his post. A great deal has been said without doors, of the power, of the strength of America. It is a topic, that ought to be cautiously meddled with. In a good cause, on a sound bottom, the force of this country can crush America to atoms. I know the valour of your troops. I know the skill of your officers. There is not a company of foot that has served in America, out of which you may not pick a man, of sufficient knowledge and experience, to make a governour of a colony there. But on this ground, on the stamp act, which so many here will think a crying injustice, I am one who will lift up my hands against it.

"In such a cause, your success would be hazardous. America, if she fell, would fall like the strong man; she would embrace the pillars of the state, and pull down the constitution along with her. Is this your boasted peace—not to sheathe the sword in its scabbard, but to sheathe it in the bowels of your countrymen? Will you quarrel with yourselves, now the whole house of Bourbon is united against you? while France disturbs your fisheries in Newfoundland, embarrasses your slave trade to Africa, and withholds from your subjects in Canada, their property stipulated by treaty? while the ransom for the Manillas is denied by Spain, and its gallant conqueror basely traduced, into a mean plunderer! a gentleman (colonel Draper), whose noble and generous spirit would do honour, to the proudest grandee of the country? The Americans have not acted in all things, with prudence and temper; they have been wronged; they have been driven to madness, by injustice. Will you punish them for the madness, you have occasioned? Rather let prudence and temper come first from this side. I will undertake for America, that she will follow the example. There are two lines in a ballad of Prior's, of a man's behaviour to his wife, so applicable to you and your colonies, that I cannot help repeating them;

"Be to her faults a little blind;

"Be to her virtues very kind." (1)

"Upon the whole, I will beg leave to tell the house what is my opinion. It is, that the stamp act be repealed absolutely, totally, and immediately. That the reason for the repeal be assigned, because it was founded on an erroneous principle. At the same time, let the sovereign authority of this country over the colonies, be asserted in as strong terms as can be devised, and be made to extend, to every point of legislation whatsoever; that we may bind their trade, confine their manufactures, and exercise every power whatsoever, except that, of taking their money out of their pockets without their consent. (2)

Having inserted the above speech of Mr. Pitt's, made in 1766, on the right of taxing the colonies; I subjoin the following, made by him in 1770, in the house of lords, in *Wilkes' case*; for the benefit of *students*; being somewhat of a more technical and legal character; and a very fine specimen of acute reasoning, as well as of eloquence.

In the preceding part of this No. it was stated, that the duke of Grafton as prime minister, and Charles Townshend, as Ch. of the exchequer, came into office in the summer of 1766, soon after the repeal of the stamp act, in an administration formed by Mr. Pitt, who then accepted the title of lord Chatham.

This administration of his own forming, disappointed all his hopes; and in 1768 he retired to the country, diseased in body and mind. In Jan 1770, when the parliament met after the christmas recess, he took his place again in the house of lords. At this time the duke of Grafton still re-

(1) Mr. Pitts quotation might have been improved, by the other two lines.

"Let all her ways be unconfind;

"And clap a padlock on her mind.

(2) Lord Camden's speech in the house of lords, was bold, eloquent, and argumentative; "My position said he is this, I repeat it, I will maintain it to my last hour; taxation and representation, are inseparable. This position is founded on the laws of nature. It is more, it is itself an eternal law of nature. For whatever is a man's own, it is absolutely his own. No man has a right to take it from him, without his consent. Whoever attempts to do it, attempts an injury; whoever does it, commits a robbery."

I have no copy of this speech; and should not, even were it in my possession, think it advisable, to extend the matter under this head farther, by its insertion.

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tained the office of prime minister; lord North being *Ch.* of the exchequer, in the place of Mr. Townshend, whose death has been mentioned.

The opposition to the revenue acts of 1767 was now at its height in the colonies; and occasioned no small uneasiness to the British cabinet. (1)

But another subject at that time excited infinitely more attention, and spread the flame of faction and discord over all England: it seemed to threaten a revolution: this was the case of *John Wilkes*: That gentleman had been elected a member of the house of commons, for the county of *Middlesex*; and was expelled the house, for a most blasphemous and obscene poem. A new writ issued for another election, and the freeholders returned *Wilkes* again. The house rejected him as ineligible, and declared that a member, expelled their house, was incapacitated from sitting there, during that parliament: (*which might be for 7 years.*) Another election was ordered, and *Wilkes* was again returned: a third took place, at which col. *Luttrell* came forward as his opponent: *Wilkes* had 1193 votes, *Luttrell* 296. The sheriffs returned *Wilkes* as elected; the house rejected him, and declared col. *Luttrell* duly elected; deciding that all the votes for *Wilkes*, were for a person wholly "*incapacitated*" to be a candidate, and as a consequence, that *Luttrell* was the only candidate; the votes for *Wilkes* being as completely void, as if they had been given for the *Dey* of Algiers; or the *Statue* of *Geo.* 2nd. in Grosvenor Square.

This decision, which took place *Ap.* 15, 1769, created great discontents; "the people denied that the house of commons had a right to reject a member, who had been duly returned by a majority of good votes, and who had no legal incapacity: expulsion, they said, threw such an one on his constituents, for them to decide, as they thought fit, on his delinquency; and if he was still the man of their choice, the utmost power possessed by the commons, reached to make the election void, but it could not give the seat to a candidate who had the fewest suffrages. They contended, that although the house of commons expelled, it could not incapacitate; such a proscription could be only rendered legal, by the concurrence of all the three distinct parts, of the legislature. The cry was industriously spread, that the house of commons was assuming to itself a power, which had never been exercised in such a latitude; it was dangerous to the constitution, in the present instance, and likewise a flagrant violation of the rights of the people; and, when drawn into a precedent, might in future times be made use of, to still more fatal purposes. On these grounds the city of London petitioned the king, praying him to dissolve the parliament. The nation caught the alarm, and petitions to the same purport were sent up, from various parts of the kingdom; the object of which was, in some measure, counteracted by the addresses to the throne, expressive of the people's approbation, of the conduct of the parliament. It was whilst this ferment was at its height, that the duke of Grafton thought fit to withdraw himself from power, and resign the administration of affairs to lord North. (*Jan.* 1770.)"

It was a few days before the duke of Grafton resigned, viz. *Jan.* 9, 1770, as before mentioned, that lord *Chatham* took his place in the house of peers, and on the motion for the address to the throne, pronounced one of the most celebrated of his speeches, which, unfortunately, is imperfectly preserved. He commenced it in a very impressive manner. "At my advanced period of life, my lords, bowing under the weight of my infirmities, I might, perhaps, have stood excused if I had continued in my retirement, and never taken part again in publick affairs: but the alarming state of the nation calls upon me, indeed forces me to come forward once more, and to execute that duty which I owe to my God, my sovereign, and my country." He then entered into a wide examination of the external, as well as internal relations of the country, and drew an able, though exaggerated picture of its situation, and the dangers which threatened it.

"He said that the posture of foreign affairs was highly critical; but he dwelt more on the divisions and distractions which prevailed in every portion of the empire. He lamented those unhappy measures which had alienated the colonies from the mother country, and driven them to such excesses. But he still thought that they should be treated with tenderness; for, 'these excesses were the mere irruptions of liberty which broke out upon the skin, and were a sign, if not of perfect health, at least of vigorous constitution, and must not be repelled too suddenly, lest they should strike to the heart. That liberty was a plant which deserved to be cherished. That he loved the tree, and wished well to every branch of it. That like the vine in scripture, it had spread from East to West, had embraced whole nations with its branches, and sheltered them under its leaves.'

"Passing from the discontents of America, he proceeded to notice those, which existed at home.

(1) The troubles of ministry on this head were soon after allayed by lord North, who succeeded the duke of Grafton in this month; he brought in a bill partially to repeal the act of 1767, Mar. 5, 1770, which took place in April, see p. 48, et seq. There can hardly be a doubt, that the principal motive which inclined him to a repeal, was, to get rid of American discontents for the moment. The terrifying cries of "*WILKES and LIBERTY*," which filled the whole kingdom, and maddened the nation, furnished ministers with sufficient employment there, without the torment of those kindred sounds, "*LIBERTY and PROPERTY*," which assailed their ears, in every blast of wind, from the shores of America.

That he had no real intention, to relinquish supremacy and taxation over the colonies eventually, is quite apparent; the duty on "tea," more important than all the rest, was continued; and 8 years afterwards, when the nation was quiet, and prosperous, and his power and influence had risen to a height, which no previous minister possessed, he voluntarily brought on the question, again, by putting forward the *India company* to export their teas.

APPENDIX—Part 1st.—Miscellaneous. (Id. Chatham's Speech.)

The latter he attributed, to the conduct of the house of commons, in the expulsion of Mr. Wilkes, and conceived that it ought to be distinctly stated as the cause, to his majesty. With this design, he concluded his speech by moving, as an amendment to the address, '*That we will, with all convenient speed, take into our most serious consideration the causes of the discontents which prevail in so many parts of your majesty's dominions, and particularly the late proceedings of the house of commons touching the incapacity of John Wilkes Esq. expelled by that house, to be re-elected a member to serve in this present parliament; thereby refusing, by a resolution of one branch of the legislature only, to the subject his common right, and depriving the electors of Middlesex of their free choice of a representative.*'

"This amendment was powerfully resisted by lord Mansfield. Nothing remains however of his speech, except a meagre account of the general course of his argument. He contended 'that the amendment violated every form and usage of parliament, and was a gross attack on the privileges of the house of commons. That there never was an instance of the lords *inquiring* into the proceedings of that house with respect to their own members, much less of their taking upon them to *censure* such proceedings, or of their advising the crown to take notice of them. If indeed, it be the purpose of the amendment to provoke a quarrel with the house of commons, I confess, said his lordship, it will have that effect certainly and immediately. The lower house will undoubtedly assert their privileges, and give you vote for vote. I leave it, therefore, to your lordships, to consider the fatal effects which in such a conjuncture as the present, may arise from an open breach between the two houses of parliament.'

"Lord Chatham immediately rose and delivered the following speech in reply.

"His amendment was rejected.

LORD CHATHAM'S SPEECH, (in Wilkes' case)

DELIVERED IN THE HOUSE OF LORDS, JANUARY THE 9th, 1770, IN REPLY TO LORD MANSFIELD,
ON AN AMENDMENT TO THE ADDRESS TO THE THRONE.

MY LORDS,

"There is one plain maxim, to which I have invariably adhered through life: that in every question, in which my liberty, or my property were concerned, I should consult and be determined by the dictates of common sense. I confess, my lords, that I am apt to distrust the refinement of learning, because I have seen the ablest and the most learned men equally liable to deceive themselves, and to mislead others. The condition of human nature would be lamentable indeed, if nothing less than the greatest learning and talents, which fall to the share of so small a number of men, were sufficient to direct our judgment and our conduct. But providence has taken better care of our happiness, and given us, in the simplicity of common sense, a rule for our direction, by which we shall never be misled. I confess, my lords, I had no other guide in drawing up the amendment, which I submitted to your consideration; and, before I heard the opinion of the noble lord who spoke last, I did not conceive that it was even within the limits of possibility, for the greatest human genius, the most subtle understanding, or the acutest wit, so strangely to misrepresent my meaning, and to give it an interpretation so entirely foreign, from what I intended to express, and from that sense which the very terms of the amendment, plainly and distinctly carry with them. If there be the smallest foundation for the censure thrown upon me by that noble lord; if, either expressly, or by the most distant implication, I have said or insinuated any part of what the noble lord has charged me with, discard my opinions for ever, discard the motion with contempt.

"My lords, I must beg the indulgence of the house. Neither will my health permit me, nor do I pretend to be qualified to follow that learned lord minutely, through the whole of his argument. No man is better acquainted with his abilities and learning, nor has a greater respect for them than I have. I have had the pleasure of sitting with him in the other house, and always listened to him with attention. I have not now lost a word of what he said, nor did I ever. Upon the present question I meet him without fear. The evidence which truth carries with it, is superior to all argument; it neither wants the support, nor dreads the opposition of the greatest abilities. If there be a single word in the amendment to justify the interpretation, which the noble lord has been pleased to give it, I am ready to renounce the whole. Let it be read my lords; let it speak for itself. (1) In what instance does it interfere with the privileges, of the house of commons? In what respect does it question their jurisdiction, or suppose an authority in this house

APPENDIX—Part 1st.—*Miscellaneous. (Id. Chatham's Speech, in Wilkes' case.)*

to arraign the justice of their sentence? I am sure that every lord who hears me will bear me witness, that I said not one word touching the merits of the Middlesex election. So far from conveying any opinion upon that matter, in the amendment, I did not even in discourse deliver my own sentiments upon it. I did not say that the house of commons had done either right or wrong; but, when his majesty was pleased to recommend it to us to cultivate unanimity amongst ourselves, I thought it the duty of this house, as the great hereditary council of the crown, to state to his majesty the distracted condition of his dominions, together with the events which had destroyed unanimity among his subjects. But, my lords, I stated events merely as facts, without the smallest addition either of censure or of opinion. They are facts, my lords, which I am not only convinced are true, but which I know are indisputably true. For example, my lords; will any man deny that discontents prevail in many parts of his majesty's dominions? or that those discontents arise from the proceedings of the house of commons, touching the declared incapacity of Mr. Wilkes? 'Tis impossible. No man can deny a truth so notorious. Or will any man deny that those proceedings refused, by a resolution of one branch of the legislature only, to the subject his common right? Is it not indisputably true, my lords, that Mr. Wilkes had a common right, and that he lost it no other way, but by a resolution of the house of commons? My lords, I have been tender of misrepresenting the house of commons. I have consulted their journals, and have taken the very words of their own resolution. Do they not tell us in so many words, that Mr. Wilkes having been expelled, was thereby rendered incapable of serving in that parliament! And is it not their resolution alone, which refuses to the subject his common right? The amendment says further, that the electors of Middlesex are deprived of their free choice of a representative: Is this a false fact, my lords? Or have I given an unfair representation of it? Will any man presume to affirm that colonel Luttrell is the free choice of the electors of Middlesex? We all know the contrary. We all know that Mr. Wilkes (whom I mention without either praise or censure) was the favourite of the county, and chosen by a very great and acknowledged majority, to represent them in parliament. If the noble lord dislikes the manner in which these facts are stated, I shall think myself happy in being advised by him how to alter it. I am very little anxious about terms, provided the substances be preserved; and these are facts, my lords, which I am sure will always retain their weight and importance, in whatever form of language they are described.

"Now, my lords, since I have been forced to enter into the explanation of an amendment, in which nothing less than the genius of penetration could have discovered an obscurity, and having, as I hope, redeemed myself in the opinion of the house; having redeemed my motion from the severe representation given of it by the noble lord, I must a little longer entreat your lordship's indulgence. The constitution of this country has been openly invaded in fact; and I have heard, with horror and astonishment, that very invasion defended upon principle. What is this mysterious power, undefined by law, unknown to the subject, which we must not approach without awe, nor speak of without reverence, which no man may question, and to which all men must submit? My lords, I thought the slavish doctrine of passive obedience had long since been exploded; and, when our kings were obliged to confess that their title to the crown, and the rule of their government, had no other foundation than the known laws of the land; I never expected to hear a divine right, or a divine infallibility, attributed to any other branch of the legislature. My lords, I beg to be understood. No man respects the house of commons more than I do, or would contend more strenuously than I would, to preserve to them their just and legal authority. Within the bounds prescribed by the constitution, that authority is necessary to the well being of the people: beyond that line, every exertion of power is arbitrary, is illegal; it threatens tyranny to the people, and destruction to the state. Power without right, is the most odious and detestable object that can be offered to the human imagination: It is not only pernicious to those who are subject to it, but tends to its own destruction. It is what my noble friend (1) has truly described it: *Res detestabilis et caduca*. My lords, I acknowledge the just power, and reverence the constitution of the house of commons. It is for their own sakes, that I would prevent their assuming a power which the constitution has denied them, lest, by grasping at an authority they have no right to, they should forfeit that which they legally possess. My lords, I affirm that they have betrayed their constituents, and violated

(1) Lord Lyttleton.

APPENDIX—Part 1st.—*Miscellaneous. (Id. Chatham's speech, in Wilkes' case, 1770.)*

the constitution. Under pretence of declaring the law, they have *made* a law, and united in the same persons, the office of legislator and of judge.

"I shall endeavour to adhere strictly to the noble lord's doctrine, which is, indeed, impossible to mistake, so far as my memory will permit me to preserve his expressions. He seems fond of the word jurisdiction; and I confess, with the force and effect which he has given it, it is a word of copious meaning and wonderful extent. If his lordship's doctrine be well founded, we must renounce all those political maxims, by which our understandings have hitherto been directed, and even the first elements of learning, taught us in our schools when we were schoolboys. My lords, we knew that jurisdiction was nothing more than *Jus Dicere*; we knew that *Legem facere* and *Legem dicere* were powers clearly distinguished from each other in the nature of things, and wisely separated by the wisdom of the English constitution; but now, it seems, we must adopt a new system of thinking. The house of commons, we are told, have a supreme jurisdiction; and there is no appeal from their sentence; and that wherever they are competent judges, their decision must be received and submitted to, as *ipso facto*, the law of the land. My lords, I am a plain man, and have been brought up in a religious reverence for the original simplicity of the laws of England. By what sophistry they have been perverted, by what artifices they have been involved in obscurity, is not for me to explain: the principles, however, of the English laws, are still sufficiently clear: they are founded in reason, and are the masterpiece of the human understanding; but it is in the text that I would look for a direction to my judgment, not in the commentaries of modern professors. The noble lord assures us, that he knows not in what code the law of parliament is to be found; that the house of commons, when they act as judges, have no law to direct them but their own wisdom; that their decision is law; and if they determine wrong, the subject has no appeal but to heaven. What then, my lords, are all the generous efforts of our ancestors? Are all those glorious contentions, by which they meant to secure to themselves, and to transmit to their posterity a known law, a certain rule of living, reduced to this conclusion; that instead of the arbitrary power of a king, we must submit to the arbitrary power of a house of commons? If this be true, what benefit do we derive from the exchange? Tyranny, my lords, is detestable in every shape; but in none so formidable, as when it is assumed and exercised by a number of tyrants. But, my lords, this is not the fact; this is not the constitution. We have a law of parliament; we have a code in which every honest man may find it. We have *Magna Charta*; we have the Statute Book, and the Bill of Rights.

"If a case should arise unknown to these great authorities, we have still that plain English reason left, which is the foundation of all our English jurisprudence. That reason tells us, that every judicial court, and every political society, must be vested with those powers and privileges which are necessary for performing the office to which they are appointed. It tells us also, that no court of justice can have a power inconsistent with, or paramount to, the known laws of the land; that the people, when they choose their representatives, never mean to convey to them a power of invading the rights, or trampling upon the liberties of those whom they represent. What security would they have for their rights, if once they admitted, that a court of judicature might determine every question that came before it, not by any known, positive law, but by the vague, indeterminate, arbitrary rule, of what the noble lord is pleased to call *the wisdom of the court*? With respect to the decisions of the courts of justice, I am far from denying them their due weight and authority; yet, placing them in the most respectable view, I still consider them, not as law, but as an evidence of the law; and before they can arrive even at that degree of authority, it must appear, that they are founded in, and confirmed by, reason; that they are supported by precedents taken from good and moderate times; that they do not contradict any positive law; that they are submitted to without reluctance, by the people; that they are unquestioned by the legislature (which is equivalent to a tacit confirmation) and what, in my judgment, is by far the most important, that they do not violate the spirit of the constitution. My lords, this is not a vague or loose expression. We all know what the constitution is. We all know, that the first principle of it is, that the subject shall not be governed by the *arbitrium* of any one man or body of men, (less than the whole legislature) but by certain laws, to which he has virtually given his consent, which are open to him to examine, and not beyond his ability to understand.—Now, my lords, I affirm, and am ready to maintain, that the late decision of the house of commons upon the Middlesex election, is destitute of every one of those properties and conditions, which I hold to be essential to

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the legality of such a decision. It is not founded in reason; for it carries with it a contradiction, that the representative should perform the office of the constituent body. It is not supported by a single precedent; for the case of sir R. Walpole is but a half precedent, and even that half is imperfect. Incapacity was indeed declared; but his crimes are stated as the ground of the resolution, and his opponent was declared to be not duly elected, even after his incapacity was established. It contradicts Magna Charta and the Bill of Rights, by which it is provided, that no subject shall be deprived of his freehold, unless by the judgment of his peers, or the law of the land; and that elections of members to serve in parliament shall be free; and so far is this decision from being submitted to by the people, that they have taken the strongest measures, and adopted the most positive language to express their discontent. Whether it will be questioned by the legislature, will depend upon your lordships' resolution; but that it violates the spirit of the constitution, will, I think, be disputed by no man who has heard this day's debate, and who wishes well to the freedom of his country: yet, if we are to believe the noble lord, this great grievance, this manifest violation of the first principles of the constitution, will not admit of a remedy; is not even capable of redress, unless we appeal at once to heaven! My lords, I have better hopes of the constitution, and a firmer confidence in the wisdom and constitutional authority of this house. It is *your* ancestors, my lords, it is to the English barons that we are indebted for the laws and constitution we possess. Their virtues were rude and uncultivated, but they were great and sincere. Their understandings were as little polished as their manners, but they had hearts to distinguish right from wrong; they had heads to distinguish truth from falsehood; they understood the rights of humanity, and they had spirit to maintain them.

"My lords, I think that history has not done justice to their conduct, when they obtained from their sovereign, that great acknowledgment of national rights contained in Magna Charta: they did not confine it to themselves alone, but delivered it as a common blessing to the whole people. They did not say, these are the rights of the great barons, or these are the rights of the great prelates:—No, my lords; they said, in the simple Latin of the times, *nullus liber homo*, and provided as carefully for the meanest subject as for the greatest. These are uncouth words, and sound but poorly in the ears of scholars; neither are they addressed to the criticism of scholars, but to the hearts of freemen. These three words, *nullus liber homo*, have a meaning which interests us all; they deserve to be remembered—they deserve to be inculcated in our minds—they are worth all the classicisms. Let us not, then, degenerate from the glorious example of our ancestors. Those iron barons (for so I may call them when compared with the silken barons of modern days) were the guardians of the people; yet *their* virtues, my lords, were never engaged in a question of such importance as the present. A breach has been made in the constitution—the battlements are dismantled—the citadel is open to the first invader—the walls totter—the constitution is not tenable. What remains then, but for us to stand foremost in the breach, to repair it, or perish in it?

"Great pains have been taken to alarm us, with the consequences of a difference between the two houses of parliament—that the house of commons will resent our presuming to take notice of their proceedings; that they will resent our daring to advise the crown, and never forgive us for attempting to save the state. My lords, I am sensible of the importance and difficulty of this great crisis: at a moment, such as this, we are called upon to do our duty, without dreading the resentment of any man. But if apprehensions of this kind are to affect us, let us consider which we ought to respect most, the representative, or the collective body of the people. My lords, five hundred gentlemen are not ten millions; and if we *must* have a contention, let us take care to have the English nation on our side. If this question be given up, the freeholders of England are reduced to a condition baser than the peasantry of Poland. If they desert their own cause, they deserve to be slaves! My lords, this is not merely the cold opinion of my understanding, but the glowing expression of what I feel. It is my heart that speaks. I know I speak warmly, my lords; but this warmth shall neither betray my argument nor my temper. The kingdom is in a flame. As mediators between the king and people, it is our duty to represent to him the true condition and temper of his subjects. It is a duty which no particular respects should hinder us from performing; and whenever his majesty shall demand our advice, it will then be our duty to inquire more minutely into the causes of the present discontents. Whenever that inquiry shall come on, I pledge myself to the house to prove, that since the first institution of the house of commons, not

APPENDIX—Part 1st.—*Miscellaneous. (Id. Chatham's speech in Wilkes' case, 1770.)*

a single precedent can be produced to justify their late proceedings. My noble and learned friend (the lord chancellor) has pledged himself to the house, that he will support that assertion.

"My lords, the character and circumstances of Mr. Wilkes have been very improperly introduced into this question, not only here, but in that court of judicature where his cause was tried. I mean the house of commons. With one party, he was a patriot of the first magnitude; with the other, the vilest incendiary. For my own part, I consider him merely and indifferently as an English subject, possessed of certain rights which the laws have given him, and which the laws alone can take from him. I am neither moved by his private vices, nor by his public merits. In his person, though he were the *worst* of men, I contend for the safety and security of the best; and, God forbid, my lords, that there should be a power in this country of measuring the civil rights of the subject by his moral character, or by any other rule but the fixed laws of the land! I believe, my lords, I shall not be suspected of any personal partiality to this unhappy man. I am not very conversant in pamphlets or newspapers; but, from what I have heard, and from the little I have read, I may venture to affirm, that I have had my share in the compliments which have come from that quarter; and, as for motives of ambition (for I must take to myself a part of the noble duke's insinuation) I believe, my lords, there have been times in which I have had the honour of standing in such favour in the closet, that there must have been something extravagantly unreasonable in my wishes if they might not *all* have been gratified. After neglecting those opportunities, I am now suspected of coming forward in the decline of life, in the anxious pursuit of wealth and power, which it is impossible for me to enjoy. Be it so. There is one ambition at least which I ever will acknowledge, which I will not renounce but with my life. It is the ambition of delivering to my posterity, those rights of freedom which I have received from my ancestors. I am not now pleading the cause of an individual, but of every freeholder in England. In what manner this house may constitutionally interpose in their defence, and what kind of redress this case will require and admit of, is not at present the subject of our consideration. The amendment, if agreed to, will naturally lead us to such an inquiry. That inquiry may, perhaps, point out the necessity of an act of the legislature, or it may lead us, perhaps, to desire a conference with the other house; which one noble lord affirms is the only parliamentary way of proceeding; and which another noble lord assures us the house of commons would either not come to, or would break off with indignation. Leaving their lordships to reconcile that matter between themselves, I shall only say, that before we have inquired, we cannot be provided with materials: consequently we are not at present prepared for a conference.

"It is not impossible, my lords, that the inquiry I speak of may lead us to advise his majesty to dissolve the present parliament; nor have I any doubt of our right to give that advice, if we should think it necessary. His majesty will then determine whether he will yield to the united petitions of the people of England, or maintain the house of commons in the exercise of a legislative power, which heretofore abolished the house of lords, and overturned the monarchy. I willingly acquit the present house of commons of having actually formed so detestable a design; but they cannot themselves foresee to what excesses they may be carried hereafter; and for my own part, I should be sorry to trust to their future moderation. Unlimited power is apt to corrupt the minds of those who possess it; and this I know my lords, that, where law ends, tyranny begins!"

I before have given extracts from the speech of Mr. *Burke* in the house of commons, on the 19 April 1774, in the session, when the "Boston Port act" and other laws were enacted, against Massachusetts, for the destruction of the tea, in *Dec.* preceeding.

This speech was made on a resolution offered by Mr. *Fuller*, April 19, 1774, to repeal the act of 1767 entirely, instead of proceeding to extremities, to enforce it. Mr. *Burke* in the course of his great speech in favour of repeal, had to encounter many arguments, and among the rest, that repealing would but make the Americans more arrogant; and as a proof of this it was asserted, that the repeal of the stamp act in 1766, under the *Rockingham* administration, had produced this consequence.

He most clearly refutes this allegation; the subject however led him to a review of the whole history of American taxation, from 1763 down to April 1774, when he was speaking.

Perhaps there is not to be found a speech, taking into view reasoning, satire, imagination, and all the ingredients which constitute powerful and splendid oratory, more perfect than this of Mr. *Burke's*; I regret much, that it was not printed entire; what there is of it, will be found in its connection p. 67. et seq;

In the course of his speech, vainly intended, to arrest the violence of lord *North's* administration,

APPENDIX—Part 1st.—Miscellaneous. (Geo. Grenville, 1764.)

he takes occasion to pass in review, the character of Mr. Grenville, the author of American taxation in 1764; that of the marquis of Rockingham; Mr. Pitt; and Gen. Conway; who checked its progress, by the repeal of the stamp act in 1766; and that of Charles Townshend; who revived the scheme in 1767, in a ministry formed by Mr. Pitt (then lord Chatham) himself.

Having extended the matter under this *Number* of the appendix so far, on the subject of the stamp act, with lord Chatham's speech in Wilkes' affair, beside; I cannot forego making a few further extracts from Mr. Burke's speech in April 1774, referring to the characters before mentioned. My object is, something of history, in regard to the period of the Stamp act, but more for the intellectual gratification of readers, who delight in the charms of eloquence.

GEO. GRENVILLE.

Previous to his becoming Prime minister, and at the head of the treasury department, he had for a short time, been first lord of the board of Admiralty, and in that capacity, had advised severe measures, to prevent the colonial contraband trade, which was carried on with the Spanish, and French, and Dutch West India Islands, and possessions on the main: this trade was carried on chiefly with the Spaniards, by which British manufactures were vended, and gold, silver, and bullion received in return; though in express violation of the Navigation acts, and laws of trade in England; yet it was admitted on all hands, to be beneficial to the nation, as the proceeds of it finally went to G. Britain for her manufactures, where alone the Americans could be supplied.

So well understood was this by sir Robert Walpole, the great whig minister under Geo 2nd, that being applied to during the war which broke out with Spain in 1739, on the subject of taxing the British colonies and enforcing strictly the laws of trade; he smiled and said "I will leave that, to some of my successors who have more courage than I have, and are less friends to commerce than I am. It has been a maxim with me, during my administration, to encourage the trade of the American colonies in the utmost latitude; nay, it has been necessary to pass over some irregularities in their trade with Europe; for by encouraging them to an extensive growing foreign commerce, if they gain L.500,000, I am convinced, that in two years afterwards, full L.250,000 of their gains will be in his majesty's exchequer, by the labour and produce of this kingdom, as immense quantities of every kind of our manufactures go thither; and as they increase in their foreign American trade, more of our produce will be wanted. This is taxing them more agreeably to their own constitution and ours." (1)

(1) Sir Robert Walpole, had been prime minister many years to Geo. 2nd; he was at the head of the Protestants, and whig party; and opposed by the tory, and jacobite factions, united with a third party, who assumed the name of "patriot whigs;" and affected to be neither tories or jacobites, but pure friends to the people, and always assumed to themselves exclusively, that honourable character. These patriots were probably an unprincipled faction, and made common cause with the tories and jacobites, whom they professed to hate, against this great minister; doubtless from the motives he states, to obtain his places and emoluments, and not for pure love of the people. Against the charge of having availed himself of his official situation and patronage to maintain a majority in favour of his wise and pacific plan of administration; he made no defence, but admitted it, on the ground that it was necessary, to prevent faction and false patriotism from overturning the government.

At the meeting of parliament in 1740, the opposition availing themselves of the discontents which prevailed throughout the country, determined to address the throne for the dismissal of sir Robert Walpole. This duty was confided to Mr. Sandys, a zealous partisan and an eloquent debater, who accordingly in the house of commons, apprised the minister of the intended motion.

On receiving the intimation, which was totally unexpected, he immediately arose, and with becoming dignity and composure replied "That as he was conscious of no crime, he had no doubt of being able to make a proper defence, and laying his hand on his breast, he cited the appropriate lines:

"Hic murus aheneus esto,
"Nil conscire sibi, nulla pallescere culpa."

Mr Sandys on this occasion, made a most able and eloquent speech. The reply of sir Robert, was remarkable both for its argument and spirit; and appears to be a complete vindication of himself, against every charge of official misconduct, or private corruption.

For the sake of the memorable portrait which he drew on this occasion, of mock patriotism, I insert the commencement of his speech.

"MR SPEAKER, It has been observed by several gentlemen, in vindication of this motion, that if it should be carried, neither my life, liberty, or estate will be affected. But do the honourable gentlemen consider my character and reputation as of no moment? Is it no imputation to be arraigned before this house, in which I have sat forty years, and to have my name transmitted to posterity with disgrace and infamy? I will not conceal my sentiments, that to be named in parliament as a subject of inquiry, is to me a matter of great concern; but I have the satisfaction at the same time to reflect, that the impression to be made, depends upon the consistency of the charge and the motives of the prosecutors. Had the charge been reduced to specific allegations, I should have felt myself called upon for a specific defence. Had I served a weak or wicked master, and implicitly obeyed his dictates, obedience to his commands must have been my only

APPENDIX—Part 1st.—*Miscellaneous.* (Geo. Grenville, 1764.)

Mr. Grenville acted upon other principles, and even before he came into the treasury office, the laws of trade were enforced, and seizures, and condemnations took place, in the admiralty courts of the colonies; beside many vexations and expenses which attended unfounded searches and seizures of vessels and cargoes.

After he became minister, and had passed the first direct revenue law, *Ap. 5, 1764*, called the "sugar act," imposing high duties upon many foreign products, such as wines, clayed sugars, indigo, coffee, East India manufactures, molasses, &c. imported into the colonies; in order to insure the revenue on these, he established on the American coast, a very strict revenue inspection; to be executed by British squadrons, and ships in these seas; in consequence of this, not only were many vessels seized on suspicion of *smuggling* the duties articles, but the Spanish and French *contraband* trade was more closely watched, and the American shipping business, almost destroyed.

Before Mr. Burke comes to the character of Mr. Grenville, he takes a short view of the navigation act, and his policy of American revenue, thus,

"Permit me then, sir, (1) to lead your attention very far back; back to the act of navigation; the corner-stone of the policy of this country with regard to its colonies. Sir, that policy was, from the beginning, purely commercial; and the commercial system was wholly restrictive. It was the system of a monopoly. No trade was let loose from that constraint, but merely to enable the colonists to dispose of what, in the course of your trade, you could not take; or to enable them to dispose of such articles as we forced upon them, and for which, without some degree of liberty, they could not pay. Hence all your specifick and detailed enumerations: hence the innumerable checks and counter checks: hence that infinite variety of paper chains by which you bind together this complicated system of the colonies. This principle of commercial monopoly runs through no less than twenty-nine acts of parliament, from the year 1660 to the unfortunate period of 1764.

"In all those acts the system of commerce is established, as that from whence alone you proposed to make the colonies contribute (I mean directly and by the operation of your superintending legislative power) to the strength of the empire. I venture to say, that during that whole period, a parliamentary revenue from thence was never once in contemplation. Accordingly, in all the number of laws passed with regard to the plantations, the words which distinguish revenue laws, specifically as such, were, I think, premeditatedly avoided. I do not say, sir, that a form of

(1) *Speaker.*

justification. But as it has been my good fortune to serve a master, who wants no bad ministers, and would have hearkened to none, my defence must rest on my own conduct. The consciousness of innocence, is also sufficient support against my present prosecutors. A further justification is also derived, from a consideration of the views and abilities of the prosecutors. Had I been guilty of great enormities, they want neither zeal and inclination to bring them forward, nor ability to place them in the most prominent point of view. But as I am conscious of no crime, my own experience convinces me, that none can be justly imputed. I must therefore ask the gentlemen, from whence does this attack proceed? From the passions and prejudices of the parties combined against me, who may be divided into three classes, the Boys, the riper Patriots, and the Tories. The Tories I can easily forgive, they have unwillingly come into the measure, and they do me honour in thinking it necessary to remove me, as their only obstacle. What is the inference to be drawn from these premises? that demerit with them, ought to be considered as merit with others. But my great and principal crime is my long continuance in office, or, in other words, the long exclusion of those who now complain against me. This is the heinous offence which exceeds all others. I keep from them the possession of that power, those honours and those emoluments, to which they so ardently and pertinaciously aspire. I will not attempt to deny the reasonableness and necessity of a party war; but in carrying on that war, all principles and rules of justice should not be departed from. The Tories must confess, that the most obnoxious persons have felt few instances of extrajudicial power. Wherever they have been arraigned, a plain charge has been exhibited against them. They have had an impartial trial, and have been permitted to make their defence; and will they, who have experienced this fair and equitable mode of proceeding, act in direct opposition to every principle of justice, and establish this fatal precedent of parliamentary inquisition? and whom would they conciliate by a conduct so contrary to principle and precedent?

"Can it be fitting in them, (1) who have divided the publick opinion of the nation, to share it with those who now appear as their competitors? With the men of yesterday, the boys in politics, who would be absolutely contemptible, did not their audacity render them detestable? With the mock patriots, whose practice and professions prove their selfishness and malignity, who threatened to pursue me to destruction, and who have never for a moment lost sight of their object? These men, under the name of Separatists, (2) presume to call themselves, exclusively, the nation and the people, and under that character, assume all power. In their estimation, the king, lords, and commons are a faction, and they are the government. Upon these principles they threaten the destruction of all authority, and think they have a right to judge, direct, and resist, all legal magistrates. They withdraw from parliament, because they succeed in nothing.

(1) The Tories. (2) "Boys and mock patriots, men of yesterday;" these were the whigs who had quit him, and made common cause with the Tories, on pretence that his administration was corrupt!

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words alters the nature of the law, or abridges the power of the lawgiver. It certainly does not. However, titles and formal preambles are not always idle words; and the lawyers frequently argue from them. I state these facts to show, not what was your right, but what has been your settled policy. Our revenue laws have usually a *title*, purporting their being *grants*; and the words *give and grant* usually precede the enacting parts. Although duties were imposed on America in acts of king Charles the second, and in acts of king William, no one title of giving 'an aid to his majesty,' or any other of the usual titles to revenue acts, was to be found in any of them till 1764; nor were the words 'give and grant' in any preamble until the 6th of George the second. However, the title of this act of George the second, notwithstanding the words of donation, considers it merely as a regulation of trade, 'an act for the better securing of the trade of his majesty's sugar colonies in America.' This act was made on a compromise of all, and at the express desire of a part, of the colonies themselves. It was therefore in some measure with their consent; and having a title directly purporting only a *commercial regulation*, and being in truth nothing more, the words were passed by, at a time when no jealousy was entertained, and things were little scrutinized. Even governor Bernard, in his second printed letter, dated in 1763, gives it as his opinion, that 'it was an act of *prohibition*, not of revenue.' This is certainly true, that no act avowedly for the purpose of revenue, and with the ordinary title and recital taken together, is found in the statute book until the year I have mentioned; that is, the year 1764. All before this period stood on commercial regulation and restraint. The scheme of a colony revenue by British authority, appeared therefore to the Americans in the light of a great innovation; the words of governor Bernard's ninth letter, written in November 1765, states this idea very strongly; 'it must,' says he, 'have been supposed, *such an innovation as a parliamentary taxation*, would cause a great alarm, and meet with much *opposition* in most parts of America. It was *quite new* to the people, and had no *visible bounds* set to it.' After stating the weakness of government there, he says, 'was this a time to introduce *so great a novelty* as a parliamentary inland taxation in America?' Whatever the right might have been, this mode of using it was absolutely new in policy and practice.

"Sir, they who are friends to the schemes of American revenue say, that the *commercial* restraint is full as hard a law for America to live under. I think so too. I think it, if uncompensated, to be a condition of as rigorous servitude as men can be subject to. But America bore it from

ing, and then attribute their want of success, not to its true cause, their own want of integrity and importance, but to the effect of places, pensions, and corruption. May it not be asked, Are the people on the court side more united than on the other? Are not the Tories, Jacobites, and Patriots equally determined? What makes this strict union? What cements this heterogeneous mass? Party engagements and personal attachments. However different their views and principles, they all agree in opposition. The Jacobites distress the government they would subvert; the Tories contend for party prevalence and power. The Patriots, for discontent and disappointment, would change the ministry, that themselves might exclusively succeed. They have laboured this point twenty years unsuccessfully; they are impatient of longer delay. They clamour for change of measures, but mean only change of ministers.

"In party contests, why should not both sides be equally steady? Does not a whig administration as well deserve the support of the whigs, as the contrary? Why is not principle the cement in one as well as the other, especially when they confess, that all is levelled against one man? Why this one man? Because they think, vainly, nobody else could withstand them. All others are treated as tools and vassals. The one is the corrupter; the numbers corrupted. But whence this cry of corruption, and exclusive claim of honourable distinction? Compare the estates, characters, and fortunes of the commons on one side, with those on the other. Let the matter be fairly investigated. Survey and examine the individuals who usually support the measures of government, and those who are in opposition. Let us see to whose side the balance preponderates. Look round both houses, and see to which side the balance of virtue and talents preponderates? Are all these on one side, and not on the other? Or are all these to be counterbalanced by an affected claim to the exclusive title of patriotism! Gentlemen have talked a great deal of patriotism. A venerable word, when duly practised. But I am sorry to say, that of late it has been so much huckneyed about, that it is in danger of falling into disgrace. The very idea of true patriotism is lost; and the term has been prostituted to the very worst of purposes. A PATRIOT, sir!—Why patriots spring up like mushrooms! I could raise fifty of them within the four and twenty hours. I have raised many of them in one night. It is but refusing to gratify an unreasonable or an insolent demand, and up starts a patriot. I have never been afraid of making patriots; but I disdain and despise all their efforts. But this pretended virtue proceeds from personal malice, and from disappointed ambition. There is not a man amongst them whose particular aim I am not able to ascertain, and from what motive they have entered into the lists of opposition.

"I shall now consider the articles of accusation which they have brought against me, and which they have not thought fit to reduce to specifick charges; and I shall consider these in the same order as that in which they were placed by the honourable member who made the motion. First, in regard to foreign affairs; secondly, to domestick affairs; and, thirdly, to the conduct of the war."(1)

(1) The motion for his dismissal was rejected by an unusual majority.

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the fundamental act of navigation until 1764.—Why? Because men do bear the inevitable constitution of their original nature with all its infirmities. The act of navigation attended the colonies from their infancy, grew with their growth, and strengthened with their strength. They were confirmed in obedience to it, even more by usage than by law. They scarcely had remembered a time when they were not subject to such restraint. Besides, they were indemnified for it by a pecuniary compensation. Their monopolist happened to be one of the richest men⁽¹⁾ in the world. By his immense capital (primarily employed, not for their benefit, but his own) they were enabled to proceed with their fisheries, their agriculture, their ship building, and their trade too, within the limits, in such a manner as got far the start of the slow, languid operations, of unassisted nature. This capital was a hot bed to them. Nothing in the history of mankind is like their progress. For my part, I never cast an eye on their flourishing commerce, and their cultivated and commodious life, but they seem to me rather ancient nations, grown to perfection through a long series of fortunate events, and a train of successful industry, accumulating wealth in many centuries, than the colonies of yesterday; than a set of miserable outcasts, a few years ago, not so much sent as thrown out, on the bleak and barren shore of a desolate wilderness, three thousand miles from all civilized intercourse.

“All this was done by England, whilst England pursued trade, and forgot revenue. You not only acquired commerce, but you actually created the very objects of trade in America; and by that creation you raised the trade of this kingdom at least four fold. America had the compensation of your capital, which made her bear her servitude. She had another compensation, which you are now going to take away from her. She had, except the commercial restraint, every characteristic mark of a free people in all her internal concerns. She had the image of the British constitution. She had the substance. She was taxed by her own representatives. She chose most of her own magistrates. She paid them all. She had in effect the sole disposal of her own internal government. This whole state of commercial servitude and civil liberty, taken together, is certainly not perfect freedom; but comparing it with the ordinary circumstances of human nature, it was a happy and a liberal condition.

“Whether you were right or wrong in establishing the colonies on the principles of commercial monopoly, rather than on that of revenue, is at this day a problem of mere speculation. You cannot have both by the same authority. To join together the restraints of a universal internal and external monopoly, with a universal internal and external taxation, is an unnatural union, perfect uncompensated slavery. You have long since decided for yourself and them; and you and they have prospered exceedingly under that decision.

“This nation, sir, never thought of departing from that choice, until the period immediately on the close of the last war. Then a scheme of government, new in many things, seemed to have been adopted. I saw, or thought I saw, several symptoms of a great change, whilst I sat in your gallery, a good while before I had the honour of a seat in this house. At that period the necessity was established, of keeping up no less than twenty new regiments, with twenty colonels capable of seats in this-house. This scheme was adopted with very general applause from all sides, at the very time that, by your conquests in America, your danger from foreign attempts in that part of the world was much lessened, or indeed rather quite over. When this huge increase of military establishment was resolved on, a revenue was to be found to support so great a burden. Country gentlemen, the great patrons of economy, and the great resisters of a standing armed force, would not have entered with much alacrity into the vote, for so large and so expensive an army, if they had been very sure that they were to continue to pay for it. But hopes of another kind were held out to them; and in particular, I well remember, that Mr. Townshend, in a brilliant harangue on this subject, did dazzle them, by playing before their eyes the image of a revenue to be raised in America.

“Here began to dawn the first glimmerings of this new colony system. It appeared more distinctly afterwards, when it was devolved upon a person⁽²⁾ to whom, on other accounts, this country owes very great obligations. I do believe, that he had a very serious desire to benefit the publick. But with no small study of the detail, he did not seem to have his view, at least equally, carried to the total circuit of our affairs. He generally considered his objects in lights that were rather too detached. Whether the business of an American revenue was imposed upon him altogether; whether it was entirely the result of his own speculation; or, what is more probable, that his own ideas rather coincided with the instructions he had received; certain it is, that, with the best intentions in the world, he first brought this fatal scheme into form, and established it by act of parliament.

“No man can believe, that at this time of day I mean to lean on the venerable memory of a great man, whose loss we deplore in common.⁽³⁾ Our little party differences have been long ago composed; and I have acted more with him, and certainly with more pleasure with him, than ever I acted against him. Undoubtedly Mr. Grenville was a first rate figure in this country. With a masculine understanding, and a stout and resolute heart, he had an application undissipated and unwearied. He took publick business, not as a duty which he was to fulfil, but as a pleasure he was to enjoy; and he seemed to have no delight out of this house, except in such things as some way related to the business that was to be done within it. If he was ambitious, I will say this for him, his ambition was of a noble and generous strain. It was to raise himself, not by the low, pimping, politicks of a court; but to win his way to power, through the laborious gradations of

(1) *John Bull.* (2) *Mr. Grenville.* (3) *Mr. G. died July 30th 1770. see p. 49.*

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publick service; and to secure himself a well earned rank in parliament, by a thorough knowledge of its constitution, and a perfect practice in all its business.

"Sir, if such a man fell into errors, it must be from defects not intrinsic; they must be rather sought in the particular habits of his life; which, though they do not alter the groundwork of character, yet tinge it with their own hue. He was bred in a profession. He was bred to the law, which is, in my opinion, one of the first and noblest of human sciences; a science which does more to quicken and invigorate the understanding, than all the other kinds of learning put together; but it is not apt, except in persons very happily born, to open and to liberalize the mind exactly in the same proportion. Passing from that study, he did not go very largely into the world; but plunged into business; I mean into the business of office; and the limited and fixed methods and forms established there. Much knowledge is to be had undoubtedly in that line; and there is no knowledge which is not valuable. But it may be truly said, that men too much conversant in office, are rarely minds of remarkable enlargement. Their habits of office are apt to give them a turn, to think the substance of business not to be much more important, than the forms in which it is conducted. These forms are adapted to ordinary occasions; and therefore persons who are nurtured in office do admirably well, as long as things go on in their common order; but when the high roads are broken up, and the waters out, when a new and troubled scene is opened, and the file affords no precedent; then it is that a greater knowledge of mankind, and a far more extensive comprehension of things is requisite, than ever office gave or than office can ever give. Mr. Grenville, thought better of the wisdom and power of human legislation, than in truth it deserves. He conceived, and many conceived along with him, that the flourishing trade of this country was greatly owing to law and institution, and not quite so much to liberty; for but too many are apt to believe regulation to be commerce, and taxes to be revenue. Among regulations, that which stood first in reputation was his idol. I mean the act of navigation. He has often professed it to be so. The policy of that act is, I readily admit, in many respects well understood. But I do say, that if the act be suffered to run the full length of its principle, and is not changed and modified, according to the change of times and the fluctuation of circumstances, it must do great mischief, and frequently even defeat its own purpose.

"After the war, and in the last years of it, the trade of America had increased far beyond the speculations of the most sanguine imaginations. It swelled out on every side. It filled all its proper channels to the brim. It overflowed with a rich redundancy, and breaking its banks on the right and on the left, it spread out upon some places, where it was indeed improper, upon others where it was only irregular. It is the nature of all greatness not to be exact; and great trade will always be attended with considerable abuses. The contraband will always keep pace in some measure with the fair trade. It should stand as a fundamental maxim, that no vulgar precaution ought to be employed in the cure of evils, which are closely connected with the cause of our prosperity. Perhaps this great person turned his eye somewhat less than was just, towards the incredible increase of the fair trade; and looked with something of too exquisite a jealousy towards the contraband. He certainly felt a singular degree of anxiety on the subject; and even began to act from that passion earlier than is commonly imagined. For whilst he was first lord of the admiralty, though not strictly called upon in his official line, he presented a very strong memorial to the lords of the treasury (my lord Bute was then at the head of the board) heavily complaining of the growth of the illicit commerce in America. Some mischief happened even at that time from this over-earnest zeal. Much greater happened afterwards, when it operated with greater power in the highest department of the finances. The bounds of the act of navigation were straitened so much, that America was on the point of having no trade, either contraband or legitimate. They found, under the construction and execution then used, the act no longer tying, but actually strangling them. All this coming with new enumerations of commodities; with regulations, which in a manner put a stop to the mutual coasting intercourse of the colonies; with the appointment of courts of admiralty under various improper circumstances; with a sudden extinction of the paper currencies; with a compulsory provision for the quartering of soldiers; the people of America thought themselves proceeded against as delinquents, or at best as people under suspicion of delinquency; and in such a manner, as they imagined, their recent services in the war did not at all merit. Any of these innumerable regulations, perhaps, would not have alarmed alone; some might be thought reasonable; the multitude struck them with terror.

"But the grand manoeuvre in that business of new regulating the colonies, was the 15th act of the fourth of George III, (1) which, besides containing several of the matters to which I have just alluded, opened a new principle: and here properly began the second period of the policy of this country with regard to the colonies, by which the scheme of a regular plantation parliamentary revenue was adopted in theory, and settled in practice. A revenue not substituted in the place of, but superadded to a monopoly; which monopoly was enforced at the same time with additional strictness, and the execution put into military hands.

"This act, sir, had for the first time the title of 'granting duties in the colonies and plantations of America;' and for the first time it was asserted in the preamble, 'that it was just and necessary that a revenue should be raised there.' Then came the technical words of 'giving and granting' and thus a complete American revenue act was made in all the forms, and with a full avowal of the right, equity, policy, and even necessity of taxing the colonies, without any formal consent of theirs. There are contained also in the preamble to that act these very remarkable words—the

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commons, &c.—“being desirous to make *some* provision in the *present* session of parliament towards raising the said revenue.” By these words it appeared to the colonies, that this act was but a beginning of sorrows; that every session was to produce something of the same kind; that we were to go on from day to day, in charging them with such taxes as we pleased, for such a military force as we should think proper. Had this plan been pursued, it was evident that the provincial assemblies, in which the Americans felt all their portion of importance, and beheld their sole image of freedom, were *ipso facto* annihilated. This ill prospect before them seemed to be boundless in extent, and endless in duration. Sir, they were not mistaken. The ministry valued themselves when this act passed, and when they gave notice of the stamp act, that both of the duties came very short of their ideas of American taxation. Great was the applause of this measure here. In England we cried out for new taxes on America, whilst they cried out, that they were nearly crushed with those which the war and their own grants had brought upon them.”

ROCKINGHAM ADMINISTRATION. (1765)

It will be in the recollection of readers, that, Mr. Grenville's administration ceased in July 1765, when the Rockingham ministry came in, who finally repealed the stamp act.

In the debate of *Ap.* 1774, those who opposed the repeal, of the remaining duty in the act of 1767, had charged the Rockingham ministry with vacillation, and timidity, not determining upon it till they were driven into it by Mr. Pitt, and then not without the “declaratory act;” a measure as obnoxious as the law they repealed: This is Mr. Burke's defence of that administration.

“Thus, sir, I have disposed of this falsehood. But falsehood has a perennial spring. It is said, that no conjecture could be made of the dislike of the colonies to the principle. This is as untrue as the other. After the resolution of the house, and before the passing of the stamp act, the colonies of Massachusetts-Bay and New-York did send remonstrances, objecting to this mode of parliamentary taxation. What was the consequence? They were suppressed; they were put under the table; notwithstanding an order of council to the contrary, by the ministry which composed the very council that had made the order; and thus the house proceeded to its business of taxing, without the least regular knowledge of the objections which were made to it. But to give that house its due, it was not over desirous to receive information, or to hear remonstrance. On the 15th of February 1765, whilst the stamp act was under deliberation, they refused with scorn even so much as to receive four petitions, presented from so respectable colonies as Connecticut, Rhode-Island, Virginia, and Carolina; besides one from the traders of Jamaica. As to the colonies, they had no alternative left to them, but to disobey, or to pay the taxes imposed by that parliament, which was not suffered, or did not suffer itself, even to hear them remonstrate upon the subject.

“This was the state of the colonies before his majesty thought fit to change his ministers. It stands upon no authority of mine. It is proved by incontrovertible records. The honourable gentleman has desired some of us to lay our hands upon our hearts, and answer to his queries upon the historical part of this consideration; and by his manner (as well as my eyes could discern it) he seemed to address himself to me.

“Sir, I will answer him as clearly as I am able, and with great openness. I have nothing to conceal. In the year sixty-five, being in a very private station, far enough from any line of business, and not having the honour of a seat in this house, it was my fortune, unknowing and unknown to the then ministry, by the intervention of a common friend, to become connected with a very noble person, and at the head of the treasury department. (1) It was indeed in a situation of little rank and no consequence, suitable to the mediocrity of my talents and pretensions. But a situation near enough to enable me to see, as well as others, what was going on; and I did see in that noble person such sound principles, such an enlargement of mind, such clear and sagacious sense, and such unshaken fortitude, as have bound me, as well as others much better than me, by an inviolable attachment to him from that time forward. Sir, lord Rockingham very early in that summer, received a strong representation from many weighty English merchants and manufacturers, from governors of provinces and commanders of men of war, against almost the whole of the American commercial regulations; and particularly with regard to the total ruin which was threatened to the *Spanish trade*. I believe, sir, the noble lord soon saw his way in this business. But he did not rashly determine against acts which it might be supposed were the result of much deliberation. However, sir, he scarcely began to open the ground, when the whole veteran body of office took the alarm. A violent outcry of all (except those who knew and felt the mischief) was raised against any alteration. On one hand, his attempt was a direct violation of treaties and public law. On the other, the act of navigation and all the corps of trade laws were drawn up in array against it.

The first step the noble lord took, was to have the opinion of his excellent, learned, and ever lamented friend the late Mr. Yorke, then attorney general, on the point of law. When he knew that formally and officially, which in substance he had known before, he immediately despatched orders to redress the grievance. (2) But I will say it for the then minister, he is of that constitution of mind, that I know he would have issued, on the same critical occasion, the very

(1) Lord Rockingham. (2) Relative to contraband trade.

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same orders, if the acts of trade had been, as they were not, directly against him; and would have cheerfully submitted to the equity of parliament for his indemnity.

"On the conclusion of this business of the Spanish trade, the news of the troubles, on account of the *stamp act*, arrived in England. It was not until the end of October, that these accounts were received. No sooner had the sound of that mighty tempest reached us in England, than the whole of the then opposition, instead of feeling humbled by the unhappy issue of their measures, seemed to be infinitely elated, and cried out, that the ministry, from envy to the glory of their predecessors, were prepared to repeal the stamp act. Near nine years after, the honourable gentleman takes quite opposite ground, and now challenges me to put my hand to my heart, and say, whether the ministry had resolved on the repeal, till a considerable time after the meeting of parliament. Though I do not very well know, what the honourable gentleman wishes to infer from the admission or from the denial of this fact, on which he so earnestly adjures me, I do put my hand on my heart, and assure him, that they did not come to a resolution directly to repeal. They weighed this matter as its difficulty and importance required. They considered maturely among themselves. They consulted with all who could give advice or information. It was not determined until a little before the meeting of parliament; but it was determined, and the main lines of their own plan marked out, before that meeting. Two questions arose. I hope I am not going into a narrative troublesome to the house.

[A cry of go on, go on.]

"The first of the two considerations was, whether the repeal should be total, or whether only partial; taking out every thing burdensome and productive, and reserving only an empty acknowledgment, such as a stamp on cards or dice. The other question was, on what principle the act should be repealed? On this head also two principles were started. One, that the legislative rights of this country with regard to America, were not entire, but had certain restrictions and limitations. The other principle was, that taxes of this kind were contrary to the fundamental principles of commerce on which the colonies were founded; and contrary to every idea of political equity; by which equity we are bound, as much as possible, to extend the spirit and benefit of the British constitution, to every part of the British dominions. The option, both of the measure and of the principle of repeal, was made before the session; and I wonder how any one can read the king's speech at the opening of that session, without seeing in that speech, both the repeal and the declaratory act very sufficiently crayoned out. Those who cannot see this can see nothing.

"Surely the honourable gentleman will not think, that a great deal less time than was then employed, ought to have been spent in deliberation; when he considers that the news of the troubles did not arrive till towards the end of October. The parliament sat to fill the vacancies, on the 14th day of December, and on business, the 14th of the following January.

"Sir, a partial repeal, or, as the *bon ton* of the court then was, a *modification*, would have satisfied a timid, unsystematic, procrastinating ministry, as such a measure has since done such a ministry. A modification, is the constant resource of weak undeciding minds. To repeal by a denial of our right to tax in the preamble (and this too did not want advisers) would have cut, in the heroic style, the gordian knot with a sword. Either measure would have cost no more than a day's debate. But when the total repeal was adopted, and adopted on principles of *policy*, of equity, and of commerce; this plan made it necessary to enter into many and difficult measures. It became necessary to open a very large field of evidence, commensurate to these extensive views. But then this labour did knights service. It opened the eyes of several to the true state of the American affairs; it enlarged their ideas; it removed prejudices; and it conciliated the opinions and affections of men. The noble lord, who then took the lead in the administration; my honourable friend (1) under-me; and a right honourable gentleman; (2) (if he will not reject his share, and it was a large one, of this business) exerted the most laudable industry in bringing before you the fullest, most impartial, and least garbled body of evidence, that ever was produced to this house. I think the inquiry lasted in the committee for six weeks; and at its conclusion this house, by an independent, noble, spirited, and unexpected majority; by a majority that will redeem all the acts ever done by majorities in parliament, in the teeth of all the old mercenary Swiss of state, in despite of all the speculators and augurs of political events, in defiance of the whole embattled legion of veteran pensioners and practised instruments of a court, gave a total repeal to the stamp act, (3) and (if it had been so permitted) a lasting peace to this whole empire.

"I state, sir, these particulars, because this act of spirit and fortitude has lately been, in the circulation of the season, and in some hazarded declamations in this house, attributed to timidity. If sir, the conduct of ministry, in proposing the repeal, had arisen from timidity with regard to themselves, it would have been greatly to be condemned. Interested timidity disgraces as much in the cabinet, as personal timidity does in the field. But timidity, with regard to the well being of our country, is heroic virtue. The noble lord who then conducted affairs, and his worthy colleagues, whilst they trembled at the prospect of such distresses as you have since brought upon yourselves, were not afraid steadily to look in the face, that glaring and dazzling influence at which the eyes of eagles have blanched. He looked in the face one of the ablest, and, let me say, not the most scrupulous oppositions, that perhaps ever was in this house, and withstood it, unaided by even one of the usual supporters of administration. He did this when he repealed the stamp act;

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He looked in the face a person he had long respected and regarded, and whose aid was then particularly wanting. I mean lord Chatham. (1) He did this when he passed the declaratory act.

"It is now given out, for the usual purposes, by the usual emissaries, that lord *Rockingham* did not consent to the repeal of this act, until he was bullied into it by lord *Chatham*; and the reporters have gone so far as publicly to assert, in a hundred companies, that the honourable gentleman under the gallery, (2) who proposed the repeal in the American committee, had another set of resolutions in his pocket directly the reverse of those he moved. These artifices of a desperate case, are at this time spread abroad with incredible care in every part of the town, from the highest to the lowest companies; as if the industry of the circulation were to make amends, for the absurdity of the report.

"Sir, whether the noble lord is of a complexion to be bullied by lord Chatham, or by any man, I must submit to those who know him. I confess, when I look back to that time, I consider him as placed in one of the most trying situations in which, perhaps, any man ever stood. In the house of peers there were very few of the ministry, out of the noble lord's own particular connexion (except lord Egmont, who acted, as far as I could discern, an honourable and manly part) that did not look to some other future arrangement, which warped his politicks. There were in both houses new and menacing appearances, that might very naturally drive any other than a most resolute minister, from his measure or from his station. The household troops openly revolted. The allies of ministry (those I mean who supported some of their measures, but refused responsibility for any) endeavoured to undermine their credit, and to take ground that must be fatal to the success, of the very cause which they would be thought to countenance. The question of the repeal, was brought on by ministry, in the committee of this house, in the very instant when it was known, that more than one court negotiation was carrying on with the heads of the opposition. Every thing, upon every side, was full of traps and mines. Earth below shook; heaven above menaced; all the elements of ministerial safety were dissolved. It was in the midst of this chaos of plots and counter plots; it was in the midst of this complicated warfare against publick opposition and private treachery; that the firmness of that noble person was put to the proof. He never stirred from his ground; no, not an inch. He remained fixed and determined, in principle, in measure, and in conduct. He practised no managements. He secured no retreat. He sought no apology.

"I will likewise do justice, I ought to do it, to the honourable gentleman who led us in this house. (2) Far from the duplicity wickedly charged on him, he acted his part with alacrity and resolution. We all felt inspired by the example he gave us, down even to myself, the weakest in that phalanx. I declare for one, I knew well enough (it could not be concealed from any body) the true state of things; but, in my life, I never came with so much spirits into this house. It was a time for a man to act in. We had powerful enemies; but we had faithful and determined friends; and a glorious cause. We had a great battle to fight; but we had the means of fighting; not as now, when our arms are tied behind us. (3) We did fight that day and conquer.

"I remember, sir, with a melancholy pleasure, the situation of the honourable gentleman (2) who made the motion for the repeal, in that crisis, when the whole trading interest of this empire, crammed into your lobbies with a trembling and anxious expectation; waited, almost to a winter's return of light, their fate from your resolutions. When, at length, you had determined in their favour, and your doors thrown open, showed them the figure of their deliverer in the well earned triumph of his important victory, from the whole of that grave multitude, there arose an involuntary burst of gratitude and transport. They jumped upon him like children on a long absent father. They clung upon him as captives about their redeemer. All England, all America, joined to his applause. Nor did he seem insensible to the best of all earthly rewards, the love and admiration of his fellow citizens. *Hope elevated and joy brightened his crest.* I stood near him; and his face, to use the expression of the scripture of the first martyr, "his face was as if it had been the face of an angel." I do not know how others feel; but if I had stood in that situation, I never would have exchanged it for all that kings in their profusion could bestow. I did hope, that that day's danger and honour would have been a bond, to hold us all together forever. But alas! that, with other pleasing visions, is long since vanished.

"Sir, this act of supreme magnanimity has been represented, as if it had been a measure of an administration that, having no scheme of their own, took a middle line, pilfered a bit from one side, and a bit from the other. Sir, they took no middle lines. They differed fundamentally from the schemes of both parties; but they preserved the objects of both. They preserved the authority of Great Britain. They preserved the equity of Great Britain. They made the declaratory act. They repealed the stamp act. They did both *fully*; because the declaratory act was *without qualification*; and the repeal of the stamp act *total*. This they did in the situation I have described.

"Now, sir, what will the adversary say to both these acts? If the principle of the declaratory act was not good, the principle we are contending for this day is monstrous. If the principle of the repeal was not good, why are we not at war for a real substantial effective revenue? If both were bad, why has this ministry incurred all the inconveniencies of both, and of all schemes? Why have they enacted, repealed, enforced, yielded, and now attempt to enforce again?"

(1) *Then Mr. Pitt.* (2) *General Conway.* (3) *Ap. 1774.*

APPENDIX—Part 1st.—Miscellaneous.

GRAFTON MINISTRY, 1766—LORD CHATHAM.

Mr. *Burke* in his speech (*Ap. 1774*), when he came to what he called the *third* period of American taxation, (*Townshend's* bills in 1767,) describes the character of *Id. Chatham*, whose misfortune it was, to form that very ministry in 1766,—which revived this odious policy; and follows it with the character of *Chs. Townshend*: Mr *Burke* thus proceeds;

"I have done with the third period of your policy; that of your repeal; (1) and the return of your ancient system, and your ancient tranquility and concord. Sir, this period was not as long as it was happy. Another scene was opened, and other actors appeared on the stage. The state, in the condition I have described it, was delivered into the hands of lord *Chatham*—a great and celebrated name; a name that keeps the name of this country respectable in every other on the globe. It may be truly called,

Clarum et venerabile nomen

Gentibus, et multum nostræ quod proderat urbi.

"Sir, the venerable age of this great man, his merited rank, his superior eloquence, his splendid qualities, his eminent services, the vast space he fills in the eye of mankind; and, more than all the rest, his fall from power, which like death, canonizes and sanctifies a great character; will not suffer me to censure any part of his conduct. I am afraid to flatter him; I am sure I am not disposed to blame him. Let those who have betrayed him by their adulation, insult him with their malevolence. But what I do not presume to censure, I may have leave to lament. For a wise man, he seemed to me at that time, to be governed too much by general maxims. I speak with the freedom of history, and, I hope, without offence. One or two of these maxims, flowing from an opinion not the most indulgent to our unhappy species, and surely a little too general, led him into measures that were greatly mischievous to himself; and for that reason among others perhaps, fatal to his country: measures, the effects of which I am afraid, are forever incurable. He made an administration, so checkered and speckled; (2) he put together a piece of joinery, so crossly indented and whimsically dovetailed; a cabinet so variously inlaid; such a piece of diversified mosaick; such a tessellated pavement without cement; here a bit of black stone, and there a bit of white; patriots and courtiers, King's friends and republicans, whigs and tories, treacherous friends and open enemies; that it was indeed a very curious show, but utterly unsafe to touch, and unsure to stand on. The colleagues whom he had assorted at the same boards, stared at each other, and were obliged to ask, 'Sir, your name?—Sir, you have the advantage of me—Mr. such-a-one—I beg a thousand pardons.' I venture to say, it did so happen, that persons had a single office divided between them, who had never spoke to each other in their lives; until they found themselves, they knew not how, pigging together, heads and points, in the same truckle bed. (3)

"Sir, in consequence of this arrangement, having put so much the larger part of his enemies and opposers into power, the confusion was such, that his own principles could not possibly have any effect or influence in the conduct of affairs. If ever he fell into a fit of the gout, or if any other cause withdrew him from public cares, principles directly the contrary were sure to predominate. When he had executed his plan, he had not an inch of ground to stand upon. When he had accomplished his scheme of administration, he was no longer a minister.

"When his face was hid but for a moment, his whole system was on a wide sea, without chart or compass. The gentlemen, his particular friends, who, with the names of various departments of ministry, were admitted to seem as if they acted a part under him, with a modesty that becomes all men, and with a confidence in him, which was justified even in its extravagance by his superior abilities, had never, in any instance, presumed upon any opinion of their own. Deprived of his guiding influence, they were whirled about, the sport of every gust, and easily driven into any port; and as those who joined with them in manning the vessel, were the most directly opposite to his opinions, measures, and character, and far the most artful and most powerful of the set; they easily prevailed, so as to seize upon the vacant, unoccupied, and derelict minds of his friends, and instantly they turned the vessel wholly out of the course of his policy. As if it were to insult as well as to betray him; even long before the close of the first session of his administration, when every thing was publicly transacted, and with great parade, in his name; they made an act, (4) declaring it highly just and expedient to raise a revenue in America. For even then, sir, even before this splendid orb was entirely set, and while the western horizon was in a blaze with his descending glory, on the opposite quarter of the heavens arose *another* luminary, and, for his hour, became lord of the ascendant.

"This light too is passed and set for ever. You understand, to be sure, that I speak of *Charles Townshend*, officially the reproducer of this fatal scheme; whom I cannot even now remember without some degree of sensibility. In truth, sir, he was the delight and ornament of this house, and the charm of every private society which he honoured with his presence. Perhaps there never arose in this country, nor in any country, a man of a more pointed and finished wit; and (where his passions were not concerned) of a more refined, exquisite, and penetrating judgment. If he had not so great a stock, as some have had who flourished formerly, of knowledge long

(1) *Of the stamp act, 1766, Mar. 19.* (2) *The Grafton administration.* (3) *Supposed to allude to the right honourable lord North, and George Cooke, esq. who were made joint paymasters in the summer of 1766, on the removal of the Rockingham administration.* (4) *Act of June 29, 1767, Glass act &c.*

APPENDIX—Part 1st.—*Miscellaneous.* (CHS. TOWNSHEND, 1766.)

(treasured up, he knew better by *Mr.*, than any man I ever was acquainted with, how to bring together within a short time, all that was necessary to establish, to illustrate, and to decorate that side of the question he supported. He stated his matter skilfully and powerfully. He particularly excelled, in a most luminous explanation and display of his subject. His style of argument was neither trite and vulgar, nor subtle and abstruse. He hit the house just between wind and water. —And not being troubled with too anxious a zeal for any matter in question, he was never more tedious, or more earnest, than the pre-conceived opinions, and present temper of his hearers required; to whom he was always in perfect unison. He conformed exactly to the temper of the house; and he seemed to guide, because he was always sure to follow it.

“I beg pardon, sir, if when I speak of this and of other great men, I appear to digress in saying something of their *characters*. In this eventful history of the revolutions of America, the characters of such men are of much importance. Great men are the guide-posts and land-marks in the state. The credit of such men at court, or in the nation, is the sole cause of all the publick measures. It would be an invidious thing (most foreign I trust to what you think my disposition) to remark the errors into which the authority of great names has brought the nation, without doing justice at the same time to the great qualities, whence that authority arose. The subject is instructive to those, who wish to form themselves on whatever of excellence has gone before them. There are many young members in the house (such of late has been the rapid succession of publick men) who never saw that prodigy *Charles Townshend*; nor of course know what a ferment he was able to excite in every thing, by the violent ebullition of his mixed virtues and failings. For failings he had undoubtedly. Many of us remember them. We are this day considering the effect of them. But he had no failings which were not owing to a noble cause; to an ardent, generous, perhaps an immoderate passion for fame; a passion which is the instinct of all great souls. He worshipped that goddess wheresoever she appeared; but he paid his particular devotions to her in her favourite habitation, in her chosen temple, the house of commons. Besides the characters of the individuals that compose our body, it is impossible, Mr. Speaker, not to observe, that this house has a collective character of its own. That character too, however imperfect, is not unamiable. Like all great publick collections of men, you possess a marked love of virtue, and an abhorrence of vice. But among vices, there is none, which the house abhors in the same degree with *obstinacy*. Obstinacy, sir, is certainly a great vice; and in the changeful state of political affairs, it is frequently the cause of great mischief. It happens, however, very unfortunately, that almost the whole line of the great and masculine virtues, constancy, gravity, magnanimity, fortitude, fidelity, and firmness; are closely allied to this disagreeable quality, of which you have so just an abhorrence; and in their excess, all these virtues very easily fall into it. He, who paid such a punctilious attention to all your feelings, certainly took care not to shock them by that vice which is the most disgusting to you.

“That fear of displeasing those who ought most to be pleased, betrayed him sometimes into the other extreme. He had voted, and in the year 1765, had been an advocate for the stamp act. Things and the disposition of men’s minds were changed. In short, the stamp act began to be no favourite in this house. He therefore attended at the private meeting, in which the resolutions moved by a right honourable gentlemen (*Gen Conway*) were settled; resolutions leading to the repeal. The next day he voted for that repeal; and he would have spoken for it too, if an illness (not as was then given out a political, but to my knowledge a very real illness,) had not prevented it.

“The very next session, as the fashion of this world passeth away, the repeal began to be in as bad an odour in this house, as the stamp act had been in the session before. To conform to the temper which began to prevail, and to prevail mostly amongst those most in power, he declared, very early in the winter, that a *revenue must be had out of America*. Instantly he was tied down to his engagements by some, who had no objection to such experiments, when made at the cost of persons for whom they had no particular regard. The whole body of courtiers drove him onward. They always talked as if the king stood in a sort of humiliated state, until something of the kind should be done.

“Here this extraordinary man, then chancellor of the exchequer, found himself in great straits. To please universally was the object of his life; but to tax and to please, no more than to love and to be wise, is not given to men. However, he attempted it. To render the tax palatable to the partisans of American revenue, he made a preamble stating the necessity of such a revenue. To close with the American distinction, this revenue was *external* or port duty; but again, to soften it to the other party, it was a duty of *supply*. To gratify the *colonists*, it was laid on the British manufactures; to satisfy the *merchants of Britain*, the duty was trivial, and, except that on tea, which touched only the devoted East India company, on none of the grand objects of commerce. To counterwork the American contraband, the duty on tea was reduced from a shilling to three pence. But to secure the favour of those who would tax America, the scene of collection was changed, and, with the rest, it was levied in the colonies. What need I say more? This fine spun scheme had the usual fate of all exquisite policy. But the original plan of the duties, and the mode of executing that plan, both arose singly and solely from a love of our applause. He was truly the child of the house. He never thought, did or said any thing, but with a view to you. He every day adapted himself to your disposition, and adjusted himself before it as at a looking glass.

“He had observed (indeed it could not escape him) that several persons, infinitely his inferiours in all respects, had formerly rendered themselves considerable in this house by one method alone. They were a race of men (I hope in God the species is extinct) who, when they rose in their place, no man living could divine, from any known adherence to parties, to opinions, or to princi-

APPENDIX—Part 1st.—Miscellaneous. (CHS. TOWNSHEND, 1766.)

ples, from any order or system in their politicks, or from any sequel or connexion in their ideas, what part they were going to take in any debate. It is astonishing how much this uncertainty, especially at critical times, called the attention of all parties on such men. All eyes were fixed on them, all ears open to hear them. Each party gaped, and looked alternately for their vote, almost to the end of their speeches. While the house hung in this uncertainty, now the *hear-hims* rose from this side—now they rebellowed from the other; and that party to whom they fell at length from their tremulous and dancing balance, always received them in a tempest of applause. The fortune of such men was a temptation too great to be resisted, by one to whom a single whiff of incense withheld, gave much greater pain, than he received delight in the clouds of it which daily rose about him, from the prodigal superstition of innumerable admirers. He was a candidate for contradictory honours; and his great aim was, to make those agree in admiration of him, who never agreed in any thing else.

"Hence arose this unfortunate act, (1) the subject of this day's debate; from a disposition which, after making an American revenue to please one, repealed it to please others, and again revived it in hopes of pleasing a third, and of catching something in the ideas of all." *Burke's Sp. Ap.* 19 17.

No. 5. 1765, *Virginia Resolves*, Stamp act, p. 21, 2.

At pages 21, 2, will be found the *resolutions* moved (or supposed to have been moved,) in the house of burgesses of *Virginia*, by the celebrated *Patrick Henry*, in *May*, 1765, in opposition to the stamp act, which had passed in *March* preceding.

They are taken from Ch. Jus. *Marshall's* "life of Washington," published in 1804. Mr. *Wirt* in his life of Henry, asserts, that the resolves published by the Ch. Justice are not those Mr. *Henry* offered, or which finally passed the house of burgesses at that time; and of consequence, that the Ch. Justice has been misled by some erroneous authority.

This he establishes from a document, found among the papers of Mr. *Henry*; from the perfect recollections of Mr. *Jefferson*, and Mr. *Carrington*, and from the journals of the house of burgesses: Mr. *Henry* died *June 6*, 1799; (2) after his death, says M. *Wirt*, "there was found among his papers, one sealed and thus endorsed: 'Inclosed are the resolutions of the *Virginia* assembly in 1765, concerning the stamp act. Let my executors open this paper.' Within was found the following copy of the resolutions, in Mr. *Henry's* hand-writing.

1. "RESOLVED, That the first adventurers and settlers of this, his majesty's colony and dominion, brought with them and transmitted to their posterity, and all other his majesty's subjects, since inhabiting in this, his majesty's said colony, all the privileges, franchises, and immunities, that have at any time been held, enjoyed, and possessed, by the people of Great Britain.

2. "RESOLVED, That by two royal charters, granted by king *James the first*, the colonist aforesaid are declared entitled to all the privileges, liberties, and immunities, of denizens and natural born subjects; to all intents and purposes, as if they had been abiding and born within the realm of England.

3. "RESOLVED, That the taxation of the people by themselves, or by persons chosen by themselves to represent them, who can only know what taxes the people are able to bear, and the easiest mode of raising them, and are equally affected by such taxes themselves; is the distinguishing characteristic of British freedom, and without which the ancient constitution cannot subsist.

4. "RESOLVED, That his majesty's liege people of this most ancient colony, have uninterruptedly enjoyed the right of being thus governed by their own assembly, in the article of their taxes and internal police, and that the same hath never been forfeited, or any other way given up, but hath been constantly recognized by the King and people of Great Britain.

5. "RESOLVED therefore, That the general assembly of this colony have the sole right and power, to lay taxes and impositions upon the inhabitants of this colony; and that every attempt to vest such power in any person or persons whatsoever, other than the general assembly aforesaid, has a manifest tendency to destroy British as well as American freedom."

"On the back of the paper containing those resolutions, is the following endorsement, which is also in the handwriting of Mr. *Henry* himself. 'The within resolutions passed the house of burgesses in *May*, 1765. They formed the first opposition to the stamp act, and the scheme of taxing America by the British parliament. All the colonies, either through fear, or want of opportunity to form an opposition, or from influence of some kind or other, had remained silent. I had been for the first time elected a Burgess a few days before, was young, inexperienced, unacquainted with the forms of the house, and the members that composed it. Finding the men of weight averse to opposition, and the commencement of the tax at hand, and that no person was likely to step forth, I determined to venture, and alone, unadvised, and unassisted, on a blank leaf of an old law book, wrote the within. Upon offering them to the house, violent debates ensued. Many threats were uttered, and much abuse cast on me, by the party for submission. After a long and warm contest, the resolutions passed by a very small majority, perhaps of one or two only. The alarm spread throughout America with astonishing quickness, and the ministerial party were overwhelmed. The great point of resistance to British taxation, was universally established in the colonies. This brought on the war, which finally separated the two countries.

APPENDIX—Part 1st.—Miscellaneous. (*Virginia resolves, 1765.*)

and gave independence to ours. Whether this will prove a blessing or a curse, will depend upon the use our people make of the blessings which a gracious God hath bestowed on us. If they are wise, they will be great and happy. If they are of a contrary character, they will be miserable.—Righteousness alone can exalt them as a nation.

“Reader—whoever thou art, remember this; and in thy sphere, practise virtue thyself, and encourage it in others.—P. HENRY.”

“Such, (says Mr. Wirt,) is the short, plain, and modest account which Mr. Henry has left of this transaction.”

There is no *date* to this paper, nor any *preamble* to the resolutions contained in it; (1) from internal evidence, the indorsement must have been made after the peace; probably at the date of the will, whatever that may be.

The following says Mr. Wirt, is an account of the transaction respecting these resolutions, as related by Mr. Jefferson.

“Mr. Henry moved and Mr. Johnson seconded these resolutions successively. They were seconded by Messrs. Randolph, Bland, Pendleton, Wythe, and all the old members whose influence in the house had, till then, been unbroken. They did it, not from any question of our rights, but on the ground that the same sentiments had been, at their preceding session, expressed in a more conciliatory form, to which the answers were not yet received. But torrents of sublime eloquence from Henry, backed by the solid reasoning of Johnson, prevailed. The last however, and strongest resolution, was carried but by a single vote. The debate on it was most bloody. I was then but a student, and stood at the door of communication between the house and the lobby (for as yet there was no gallery) during the whole debate and vote; and I well remember, that after the numbers on the division were told and declared from the chair, Peyton Randolph (the attorney-general) came out at the door where I was standing, and said as he entered the lobby, ‘by God, I would have given 500 guineas for a single vote:’ for one vote would have divided the house, and Robinson was in the chair, who he knew would have negatived the resolution. Mr. Henry left town that evening; and the next morning before the meeting of the house, col. Peter Randolph, then of the council, came to the hall of burgesses, and sat at the clerk’s table till the house bell rang, thumbing over the volumes of journals, to find a precedent of expunging a vote of the house, which, he said, had taken place while he was a member or clerk of the house, I do not recollect which. I stood by him at the end of the table a considerable part of the time, looking on as he turned over the leaves; but I do not recollect whether he found the erasure. In the mean time, some of the timid members who had voted for the strongest resolution, (5th) had become alarmed; and as soon as the house met, a motion was made and carried to expunge it from the journals. There being at that day but one printer, and he entirely under controul of the governor, I do not know that this resolution ever appeared in print. I write this from memory: but the impression made on me at the time was such, as to fix the facts indelibly in my mind. I suppose the original journal was among those destroyed by the British, or its obliterated face might be appealed to. And here I will state, that Burk’s statement of Mr. Henry’s consenting to withdraw two resolutions, by way of compromise with his opponents, is entirely erroneous.” Thus far Mr. Jefferson.

The author then observes “The manuscript journal of the day is not to be found; whether it was suppressed, or casually lost, must remain a matter of uncertainty; it disappeared, however, shortly after the session, and therefore could not have been among the documents destroyed by the British during the revolutionary war, as conjectured by Mr. Jefferson.

“In the interesting fact of the erasure of the fifth resolution, Mr. Jefferson is supported by the distinct recollection of Mr. Paul Carrington, late a judge of the court of appeals of Virginia, and the only surviving member, it is believed, of the house of burgesses of 1765. The statement is also confirmed, if indeed further confirmation were necessary, by the circumstance that, instead of the five resolutions so solemnly recorded by Mr. Henry as having passed the house, the journal of the day exhibits only the following four:

1. “RESOLVED, That the first adventurers and settlers of this his majesty’s colony and dominion of Virginia, brought with them and transmitted to their posterity, and all other his majesty’s subjects, since inhabiting in this his majesty’s said colony, all the liberties, privileges, franchises, and immunities, that have at any time been held, enjoyed, and possessed by the people of Great Britain.

2. “RESOLVED, That by two royal charters, granted by king James the I. the colonists aforesaid are declared entitled to all liberties, privileges, and immunities of denizens and natural subjects to all intents and purposes, as if they had been abiding and born within the realm of England.

3. “RESOLVED, That the taxation of the people, by themselves, or by persons chosen by themselves to represent them, who can only know what taxes the people are able to bear, or the easiest method of raising them, and must, themselves, be affected by every tax laid on the people; is the only security against a burdensome taxation, and the distinguishing characteristic of British freedom, without which the ancient constitution cannot exist.

4. “RESOLVED, That his majesty’s liege people of this his most ancient and loyal colony have, without interruption, enjoyed the inestimable right of being governed by such laws respecting

(1) The numbers 1, 2, &c. are added by myself, for greater perspicuity, and easier comparison with the supposed resolutions, published by Mr. Marshall. See them p. 21. 2.

APPENDIX—Part 1st.—Miscellaneous. (*Virginia resolves 1765.*)

their internal polity and taxation, as are derived from their own consent, with the approbation of their sovereign, or his substitute; and that the same hath never been forfeited or yielded up, but hath been constantly recognized by the Kings and people of Great Britain."

The author then quotes an observation of Mr. Jefferson, relative to their passage, viz. "by these resolutions" says Mr. Jefferson, "and his manner of supporting them, Mr. Henry took the lead out of the hands of those who had, theretofore, guided the proceedings of the house; that is to say, of Pendleton, Wythe, Bland, Randolph."

After this, Mr. Wirt proceeds to the consideration of Mr. Henry's merit and success, in this measure: It was (says he) indeed, the measure which raised him to the zenith of his glory. He had never before had a subject which entirely matched his genius, and was capable of drawing out all the powers of his mind. It was remarked of him, throughout his life, that his talents never failed to rise with the occasion, and in proportion to the resistance which he had to encounter. The nicety of the vote on his last resolution, proves that this was not a time to hold in reserve any part of his forces. It was, indeed, an alpine passage, under circumstances even more unpropitious than those of Hannibal; for he had not only to fight, hand to hand, the powerful party who were already in possession of the heights, but at the same instant to cheer and animate the timid band of followers, that were trembling, and fainting, and drawing back, below him. It was an occasion that called upon him to put forth all his strength, and he did put it forth, in such a manner as man never did before. The cords of argument, with which his adversaries frequently flattered themselves that they had bound him fast, became packthreads in his hands. He burst them with as much ease, as the unshorn Sampson did the bands of the Philistines. He seized the pillars of the temple, shook them terribly, and seemed to threaten his opponents with ruin. It was an incessant storm of lightning and thunder, which struck them agast. The faint-hearted gathered courage from his countenance, and onwards became heroes, while they gazed upon his exploits.

It was in the midst of this magnificent debate, while he was descanting on the tyranny of the obnoxious act, that he exclaimed, in a voice of thunder, and with the look of a god, "Cæsar had his Brutus—Charles the first, his Cromwell—and George the third—('Treason,' cried the speaker—'treason, treason,' echoed from every part of the house.—It was one of those trying moments which is decisive of character.—Henry faltered not for an instant; but rising to a loftier attitude, and fixing on the speaker an eye of the most determined fire, he finished his sentence with the firmest emphasis) *may profit by their example. If this be treason, make the most of it.*"

Mr. Wirt in conclusion adds, "From the period of which we have been speaking, Mr. Henry became the idol of the people of Virginia; nor was his name confined to his native state. His light and heat were seen and felt throughout the continent; and he was every where regarded as the great champion of colonial liberty.

"The impulse *thus* given by Virginia, was caught by the other colonies. Her *resolutions* were every where adopted, with progressive variations. The spirit of resistance became bolder and bolder, until the whole continent was in a flame; and by the first of November, when the stamp act was, according to its provisions, to have taken effect, its execution had become utterly impracticable."

As the case is here made out, it appears, that Mr. Henry's *five* resolutions were without premeditation, and very hastily drawn up on the blank leaf of an old law book (1) which he found lying upon the table, and offered to the house for adoption: that a violent opposition and debate ensued; the whole number were carried however, (with some alterations in the 3rd and 4th) by a majority of one or two votes; the *fifth*, certainly by a single vote only.

The rough draft of these resolves (after the amendments,) five in all, were doubtless left, in the hands of the clerk over night, for entering upon the journal; Mr. Henry went from town that evening. It appears they were copied into the journal; because it is stated, that as soon as the house met in the morning, "a motion was made and *carried, to expunge* (erase) the *fifth* resolution from the journal."

That the (supposed) *Virginia* resolutions, at that time produced a great sensation over the continent, and first excited a general spirit of opposition to the stamp act, which broke out with extreme violence immediately after among the people, admits of no doubt. But the question is, whether *these four* resolutions, as moved by Mr. Henry, and modified in the house, (and now asserted to be the genuine and only ones,) wrought this effect?

The first *four*, as prepared by him, and adopted by the house, (with some alteration) contained no more in substance, than that the *first* adventurers brought with them and transmitted to their posterity, all the liberties &c. at any time held and enjoyed by the people of Great Britain; and that by two royal *charters*, granted by James the 1st, they are declared entitled to all the liberties, and privileges &c. of denizens, and natural subjects, as if abiding and born within the realm of England; "that taxing themselves by their *own* representatives was the only security against burdensome taxes, and the distinguishing characteristic of British freedom, without which, the *ancient constitution* cannot exist;" and they added in the 4th resolution, "that his majesty's liege people &c. of that colony, had uninterruptedly *enjoyed* the inestimable right of being governed by such laws, respecting internal policy and taxation, as were derived from their own consent, with the approbation of their sovereign, or his substitute, which had never been forfeited, and always recognized by the king and people of Great Britain."

APPENDIX—Part 1st.—Miscellaneous. (*Virginia resolves, 1765.*)

There appears no *preamble* to these resolves, stating the occasion of them: in none of them is the *stamp act* mentioned, nor do they purport to be made in opposition to it: they certainly grew out of this subject, but as I infer from their date, and Mr. Wirts, account, contain nothing more than so many *abstract* political propositions.

Beside, there was nothing in any of these *opinions*, which had not been insisted upon, in every possible form, after Mr. Grenville's resolutions agreed to in the house of commons, in *Mar. 1764*, for laying taxes on the colonies, by stamps, and imposts, see *p. 16*.

The *fifth* resolution offered by Mr. Henry, as a *corollary* from these premises, alledges "the *sole* right and power to lay taxes on the colonies, to be in the assembly,"—and begins thus—"Resolved THEREFORE, that," &c.

But *this* proposition, though in the unoffending shape rather of an inference, than an indisputable claim, was *negatived* by the house the next day, and the first hasty vote in favour of it (probably in a committee of the whole,) erased from the journal. They either did not conceive the right so clearly flowed from the premises assumed in the preceding resolves, or for some reason, did not choose so explicitly to insist upon a declaration, which denied the *power* of parliament to tax the colonies.

There was nothing indeed even in the 5th resolve, if it had been adopted and gone out, simply in itself much calculated to excite the publick mind; far less to influence the passions of the multitude, and impel them to the excesses which ensued.

In fact however, it barely survived the opposition by a single vote; and the next morning the house expunged it from the journal: This resolve, was not therefore *published* at all, as the act of the Virginia house of burgesses; if a true account went to the publick, the statement must have been, "that the Virginia house of burgesses had *rejected* Mr. Henry's motion, asserting an *exclusive* right of internal taxation."

Nothing official then could appear, but the first *four* resolutions moved by Mr. Henry; and even they were softened down by amendments in the house, and went to the publick in that form, if they were published correctly.

How then can it be well imagined, that *these 4* resolves, carrying no very extraordinary marks of vigour or decision on their face, avoiding in *direct* terms, to question the power of parliament to tax the colonies, and all mention of the obnoxious stamp act itself, could suddenly kindle such fiery resentments, and urge forward, both people and legislative bodies, to general, and even excessive resistance.

More especially, when it is considered, that the only resolution which did *deny* the power of parliament, was rejected.

That the actual, or supposed measures of the Virginia house of burgesses, at that time *did* produce much of the effect attributed to them by Mr. Wirt, so far as it respects the stamp act, is unquestionable; they certainly hastened that result, if they were not the moving cause of its total *inexecution* in the colonies. See *p. 22*.

But to repeat the question, "were the resolutions which WENT OUT to America at that time as Mr. Henry's, and speaking the sense of the Virginia legislature, the *four* now published by Mr. Wirt? Or, did not the *six* resolves published by Mr. Marshall, go forth to the publick, as those which had been adopted on Mr. Henry's motion in the house of burgesses?"

Those published by Ch. Justice Marshall, seem infinitely better adapted to produce so great an effect. The 4th in the list of 6, which he states to have been adopted by the *house*, (and even by the most timid members,) is in the terms of Mr. Henry's 5th resolution, asserting, "that the general assembly of this colony, together with his majesty, or his substitute, have in their representative capacity the *only exclusive right and power*, to lay taxes and impositions upon the inhabitants of this colony," &c. And the 5th and 6th, which are stated by Mr. Marshall to have passed the *committee*, but disagreed to in the house; are of the boldest stamp, and of a character to enlist the popular favour and passions, in the highest degree. (See *p. 21, 22, for the resolutions given in Marshall*.)

If then it is not to be presumed so powerful an excitement could have been produced, by what was *really* done in the house of burgesses; it may be accounted for, on the *supposition* that the *six* resolves, contained in Mr. Marshall's history, were those, which at *that day*, passed into the publick prints, and went out to the *people*, for what had been done in the Virginia house of burgesses; and *not* the *four* genuine ones, now published by Mr. Wirt.

The *six* as they appear in Marshall, do not seem to have been questioned during the life of Mr. Henry.

They will be found I suspect in all books, early and late; and uncontroverted, before Mr. Wirt's detection in 1817.

Dr. Gordon's history came out in 1788, and he gives the first 4 resolutions with very little variation, and none at all in the 5th and 6th, as they are found in Marshall. Dr. Ramsay published in 1789; and his copy accords nearly with Marshall: Mr. Burk published his 3d vol of the history of Virginia in 1805: and Mrs. Warren, her history of the Revolution the same year; and these agree with Marshall: From whence the *latter* gentleman, or the others, drew their information, does not appear: The Chief Just. I believe cites no authority. He certainly did not copy from Gordon, because there are some variances between them; enough to disprove such an inference, though the differences are not material.

That he has copied them from some apparently well authenticated memoir, is hardly to be doubted.

APPENDIX—Part 1st.—*Miscellaneous.* (*Virginia resolves, 1765.*)

Infer, though it is but conjecture, that the *true* proceedings and resolves were at the time *falsified*, and a spurious set published. They probably got into the hands of some zealous opponents of British taxation, and were immediately revised, altered for the occasion, and sent out to the publick as they now appear in the histories of that time, *instead* of those, which had really been adopted in the Virginia assembly. Unquestionably if so, it was a bold fabrication; but the effects produced would be precisely the same, as if they were the true acts of that body: The probability of a falsification, is strengthened by the account in *Gordon*, of the *manner* in which the Virginia resolves were first made publick:—After giving the *six* resolutions nearly as Mr. Marshall has done, without any seeming suspicion of their falsity, he follows them up with a short account of the way in which at that time, they were made publick.

“A manuscript, (he says,) of the *unrevised* resolves soon reached *Philadelphia*, having been sent off immediately upon their *passing*, (1) that the earliest information of what had been done might be obtained by the sons of liberty. From thence the *like* was forwarded on the seventeenth of *June*. At *New York* the resolves were handed about with great privacy; they were accounted so *treasonable*, that the possessors of them declined printing them in that city. The *Irish* gentleman alluded to above being there, inquired after them, and with much precaution was admitted to take a copy.—He carried them to *New England*, where they were published and circulated far and wide in the newspapers, without any reserve, and proved eventually the occasion of those disorders, which afterwards broke out in the colonies. Till they appeared, it was thought that the *Rhode-Islanders* would submit. Murmurs indeed were continually heard; but they seemed to be such as would die away. The *Virginia resolutions* gave a spring to all the disgusted, and they began to adopt different measures.”

A manuscript of the *unrevised* resolutions it is said, soon reached *Philadelphia*, and were accounted so *treasonable*, that the possessors declined printing them in N. York. Now could these have been the *four* resolutions of the Virginia Burgesses? There might have been treason in Mr. Henry's unpublished *speech*; but surely none in these abstract *opinions* on constitutional points, expressed by the house: They might with safety have been proclaimed, before the king's bench in Westminster hall.

Far different from the unexceptionable tenor of these, is the complexion of the 6 in Marshall, and *now* shown to be the spurious version.

The 4th of these, positively asserts the only and exclusive right and power to lay taxes, to be in the assembly, adding what is not in Mr. Henry's 5th resolution, that “any attempt to vest such power in any other person or persons, &c. is *illegal, unconstitutional, and unjust*.”

The 5th and 6th might, with even yet more reason, be deemed treasonable in the eyes of the king's attorney general, and justly excite those fears, which were at first manifested in *New York*, and elsewhere. One thing would seem to be certain, viz. that those which are published in *Gordon*, Marshall, &c. as the Virginia resolves, *did* at the time go out to the publick, and were supposed to be true: It is not shown that they were ever questioned till now; Mr. Henry lived five and thirty years after their publication, and 10 years after *Dr. Gordon's* history came out, and it does not *appear* that he or any of his friends, or those who *were witnesses*, or parties to the very transaction, ever questioned their authenticity.

Whosoever at the time ventured on this bold device, would be sure not to lessen their weight by suggesting the violent opposition to their passage, and rejection of the only resolve which denied the *legality* of the stamp act. The rapidity of circulation, and general diffusion by means of the press, must have left the truth far behind; and the real facts if afterwards published, would follow too late to counteract the fiction, and only reach comparatively a small portion of those, who had drunk deep of the first precious delusion: and not unlikely, the true account would have been cried down, as the one fabricated.

I repeat it, that the wonderful effect, most certainly produced by the proceedings of the Virginia assembly, in *May, 1765*, (2) can hardly be accounted for, than upon the supposition, that the *false* account went out instead of the true one: The false one was well calculated to produce all the consequences which followed; the true one might have had an opposite tendency, or at least was of a tenor to excite but little of that spirit which immediately followed; more especially as it must have been known, that the *heart* of Mr. Henry's resolutions had been taken out in the house, by expunging the 5th.

On the whole, if this be the true supposition, yet to Mr. Henry may be due, all the *beneficial* consequences which resulted from the step he took in *May, 1765*, though not the immediate fruit of his propositions.

By a disclosure of the source or authority, on which these *six* resolutions as published by Mr. Marshall rests, the fraud which was undoubtedly practised on the publick in 1765, may be traced; and the point decided, whether it was most owing to the forgery or the fact, that the people were stirred up almost to madness.

In regard to the posthumous paper it is remarkable, that Mr. Henry positively asserts that *all* five of his resolutions enclosed in it, were adopted. He takes no notice of the 5th having been expunged, or any alterations in the 3d and 4th. After a long and warm contest, (he says), “the resolutions passed by a very small majority of only one or two, the *alarm* spread throughout America with astonishing quickness, and the ministerial party were overwhelmed.

The great point of *resistance* to British taxation, was universally established in the colonies;

(1) Of course the 5th resolution would appear as one of them. (2) See page 22.

APPENDIX—Part 1st.—Miscellaneous. (*Virginia resolves, 1765.*)

this brought on the war, &c. which finally separated the two countries, and gave independence to ours."

It has been seen, those resolutions did not all pass even at first, without some material alterations in the 3d and 4th, and that the *fifth*, the only one which went to the point, was expunged from the journal; yet of this Mr. *Henry* takes no notice, but alleges they all *passed*, and attributes to them the establishment of resistance to British taxation, the war, and independence.

No date appears to the paper, or envelope, containing the resolves; it was probably written when Mr. *Henry* was at an advanced age, and he might not have remembered the fate of his *fifth* resolution, nor the changes made in the 3d and 4th before they could pass.

A denial of the right of parliament to raise *taxes* in the colonies, which Mr. *Henry* endeavoured unsuccessfully to bring the house of burgesses explicitly to maintain by his 5th resolution in May 1765, was no novelty; nor had the publick assertion of it even in the most arbitrary reigns, been thought either dangerous, or even impolitic in America: political writers had fearlessly avowed it on this side of the Atlantick, and it had been recently maintained in the British parliament, in the most peremptory manner, by Gen. *Conway*, when the stamp act was brought forward by Mr. Grenville in March, preceding Mr. *Henry's* resolutions. But what is more, the *denial* had been solemnly and publickly made the year before that, in more than one American Legislature: in *Massachusetts* probably first.

On the 10 March 1764, Mr. *Grenville* the minister, intending to introduce a system of direct taxation, under laws of parliament; in order to take the sense of that body on his scheme, moved a resolution in the house of commons importing, that it would be proper to impose *duties* on certain articles imported into the colonies, for raising a *revenue*, which was carried: he also moved another resolution; that it would be proper to impose certain duties on *stamped* paper in the colonies, for the same purpose, which was afterwards carried.

In consequence of which first resolution, the "Sugar act" passed in the ensuing month: (April.) The *Stamp* act was not brought forward by him then; the vote he procured in that respect, being merely declaratory of an intention, to be executed the following year; unless the colony agents should propose some other equally productive tax.

The minister did not put them forward on any scruple about the *right* of parliament, that was not made a question there, at least he would not betray a suspicion of it; he took the opinion of the house upon it as an expedient measure for raising revenue: but as soon as the resolutions to tax passed, the first and the main question made in the colonies was, the *right* of parliament to raise taxes within the colonies.

When the account reached this country, the assembly of *Massachusetts* took up the subject, and immediately in the face of the parliamentary declarations made in March, laid down the text of their constitutional claim in a few plain words; for in June 1764, they came to the following resolutions—"That the sole right of giving and granting the money of the people of that province, was vested in them as their legal representatives; and that the imposition of *duties* and *taxes* by the parliament of Great-Britain, upon a people who are not represented in the house of commons, is absolutely irreconcilable with their rights. That no man can justly take the property of another without his consent; upon which original principle, the right of representation, in the same body which exercises the power of making laws for levying taxes, one of the main pillars of the British constitution, is evidently founded." (1)

The assembly also sent instructions, accompanied with remonstrances to their agent in England, to use his utmost endeavours to obtain a repeal of the first act passed in April, in consequence of Mr. Grenville's plan, called the "Sugar act," and to prevent the passage of a *Stamp* act, or any other laying duties: see p. 16, 17. also 2 Marshall. 82.

They likewise appointed a committee, to correspond with the Legislatures of the respective colonies, and communicate to them what *Massachusetts* had done, and solicit similar measures on their parts. And New-York, Virginia, and other colonies, did petition against the threatened *Stamp* act, as well as against the *Sugar* act, which had passed.

From all this it would seem, that something stronger, and more adapted to inflame the publick mind, was required, than the four resolves which were passed by the Virginia Burgesses, or even Mr. *Henry's* 5th resolution, which was rejected.

This inflammatory principle was effectually supplied, in the six resolutions under consideration; as they appeared in the chronicles of the day, and deemed genuine by the people.

The subject however is now hardly worth discussing, but as it may conduce to some explanation of a very singular imposture.

On the point of parliamentary taxes upon the colonies, history will show, that at very early pe-

(1) Dr. Gordon gives no date for this, but the year; the context shows, and the fact however is, that it took place in June 1764.

This author also speaks indeterminately, in regard to the subject decided upon in the British house of commons in March 1764. The question was not on the right of Great Britain to tax the colonies: Mr. Grenville having made up his mind on the point of raising revenue from them, introduced certain resolutions into the house of commons, which passed, purporting that it would be proper to impose certain duties on merchandize imported into the colonies; and also, that it would be proper to impose certain stamp duties; the proceeds payable into the British exchequer; but to be disposed of by parliament, for the defence and protection of the colonies, supporting civil government there &c.

APPENDIX—Part 1st.—Miscellaneous. (*Virginia resolves, 1765.*)

riods in their infancy, they considered it a heresy in government, and a violation of the first and greatest rights of British subjects in America, to have *taxes* raised upon them without their consent, for all purposes, and to any amount, by parliament.

The first assembly ever held in Virginia, was under the 2nd Charter granted by James I. in 1609 to the Virginia company, and assembled in 1619; or rather under certain fundamental articles agreed upon by the Grantees, under the authority of their charter, for the future government of the colony in 1618. In 1624, the Legislature of Virginia asserted, "that it was *their undoubted right alone*, to lay taxes and impositions, and none other." Yet there is contained in the charter of 1609, an exemption to the Company and their assigns from all subsidies in Virginia for twenty-one years, and from all *imposts*, on imports and exports, to and from England, or any other of the King's dominions, except only the *LS.* in the hundred for customs. This exemption for a certain period in the charter, showed the opinion of *James*, that the colonies were taxable; but as soon as a legislative assembly met, and the people were represented, they took leave to put a very different construction upon the British constitution, and the rights of British freemen, from the *jure divino* notions of this goodly prince!

The year preceding this, (1723) he had required the Company who resided in London, to surrender their charter, intending to give them a new one; they refused: a *Quo warranto* issued in Nov. and judgment was given against the company in the King's Bench in Trinity term 1624. The Company being dissolved, the colony was taken under his immediate superintendence: "he assuredly considered the colonies as acquired by conquest; and that they ought to be holden of his person, independent of his crown or political capacity; and might be ruled according to his good will, by prerogative: and he endeavoured, agreeable to the strange economy of his reign, to convert them into a mere private estate, descendable to his personal heirs."

His son Charles I. who succeeded in 1626, ruled it by a governor and council appointed by himself, until the beginning of 1639, when sir *William Berkely*, the governor, had instructions to summon an assembly of the *burgesses* of the plantations.

The King was executed on the 30. Jan. 1648. The colonies then fell under the government of *Cromwell*. As soon as *Cromwell* could turn his attention to the colonies, an ordinance was passed by the commons Oct. 1650, for re-establishing governments under the council of state in the colonies: It recited, that "In Virginia, and other places in America, there are colonies which were planted at the cost, and settled by the people and by the authority of this nation, which ought to be subordinate to, and dependent upon England—that they ever have been and ought to be, subject to such laws and regulations as are, or shall be made by the parliament—that divers acts of rebellion have been committed by many persons inhabiting Virginia, whereby they have set up themselves in opposition to this commonwealth." It therefore declared them, "notorious robbers and traitors." Persons in power, generally reason alike against those who oppose their authority, and dispute the legality or equity of their measures, whatever might be their own sentiments when in a lower station, and while aggrieved by superiors. The ordinance authorized the council of state to send a fleet thither, and to grant commissions to proper persons to enforce to obedience, all such as stood opposed to the authority of parliament. In consequence hereof commissioners were appointed, and a powerful fleet and army detached, to reduce all their enemies to submission. They were to use their endeavours, by granting pardons and by other peaceful arts, to induce the colonists to obey the state of England; but, if these means should prove ineffectual, then they were to employ every act of hostility; to free those servants and slaves of masters opposing the government, that would serve as soldiers to subdue them; and to cause the acts of parliament to be executed, and justice to be administered, in the name of the commonwealth. After the arrival of the commissioners with the naval and military force, the Virginians refused to submit, till articles of surrender had been agreed upon, by which it was stipulated, "The plantation of Virginia, and all the inhabitants thereof, shall enjoy such freedoms and privileges as belong to the free people of England. The general assembly, as formerly, shall convene and transact the affairs of the colony. The people of Virginia shall have a free trade, as the people of England, to all places, and with all nations. Virginia shall be free from all taxes, customs, and impositions whatsoever; and none shall be imposed on them without consent of the general assembly; and neither forts nor castles shall be erected nor garrisons maintained, without their consent.

"The hardships the *Virginians* experienced nevertheless, from restrictions on their trade under *Oliver Cromwell*, together with their attachment to the royal family, induced them to seize the occasion of the death of the protector's governor, for applying to sir *William Berkely*, who had lived privately during the revolutions of the day, to resume the government of the colony, to which he consented, on their solemnly promising to venture their lives and fortunes with him for Charles II. Before they had heard of the death of *Cromwell*, *Charles* was proclaimed by them king of England, Scotland, Ireland, and Virginia. During the distresses to which the royalists were exposed in England prior to this event, they resorted to that colony, so that Virginia contained about 30,000 persons at the restoration. (1) Sir William Berkely, in his answer to the inquiries of the lords of the committee of the colonies writes, June 20, 1671, "there are 40,000 persons, men, women, and children, 2000 black slaves, and 6000 christian servants for a short

(1) *The colony of Virginia after the dissolution of their charter from Jam. I. in 1624, continued without any new one until Oct. 10, 1676, when a new one was granted, merely constituting a royal government according to instructions to the Governor &c. but these instructions always required the calling assemblies.*

APPENDIX—Part 1st.—*Miscellaneous. (Virginia resolves, 1765.)*

time." He adds—"I thank God there are no free schools, nor printing presses, and I hope we shall not have them these hundred years: for learning has brought disobedience, and heresy, and sects into the world, and printing has divulged them and libels against the government. God keep us from both."

"You will remark, that, however zealous the Virginians were to honour the Charles' with their loyalty, they boldly declined complimenting King, Commonwealth and Protector, with their liberties." *Gord.*

It is here seen again, with what determination even in the infancy of this province, it asserted its freedom from British taxation.

In 1674, Virginia applied to Charles 2d, for a charter, confirming their privileges, properties, &c. and for a constitutional form of government; among other things, the agents were instructed to procure a clause in the charter, "that no manner of impositions or taxes, should be laid or imposed upon the inhabitants, unless by the common consent of the governor, council, and burgesses." The agents on this proposal, explain it to the privy council thus;

"EXPLANATION TO THE 7TH HEAD.

"We therefore hope, that his majesty and most honourable council, with our learned referees, (1) will not think us immodest in humbly petitioning for this; especially if they please to consider, that both the acquisition and defence of this country hath been, for the most part, at the country's charge; and that the whole support now, both of governor and government, is defrayed wholly at the people's charge, which occasions the annual taxes there to be very high, and will not only continue so, but must, with the growth of the country, every year be increased."

It might be inferred from this, that the right of parliament at that time to tax the colony, was not questioned, and that this was prayed as a concession, and to secure the people against the possibility of such a power being exercised. This however was not the fact. The agents were instructed to obtain it as of right; but they did not think it prudent to deny the right of parliament, or claim it as inherent in the colony, and therefore in the formal paper, which was to be laid before the king in privy council, as explanatory of what they desired the charter to contain, it was deemed most respectful and advisable, to put it on the ground of concession.

Their petition and explanations, as of course, were referred to the law officers of the crown. Before them, it appears the agents reasoned quite another way; in defending the provision, as securing a right to which the colonists were entitled, on legal and constitutional grounds.

The following on this point, is taken from their representation made to sir Wm. Jones, and sir Francis Winington, (the attorney and solicitor general,) the law officers of the crown, to whom their petition and claims were referred by the privy council.

"NOTES, explanatory of some of the heads annexed to the petition of the Virginian agents, referred to Mr. attorney and solicitor, with somewhat of answer to some things objected.

"FIRST,—As to the point, whether the Virginians are in reason to be assured under his majesty's great seal, that they shall not be taxed without their own consent.

"1. It is humbly conceived, that if his majesty deduce a colony of Englishmen by their own consent, (or otherwise he cannot,) or licence or permit one to be deduced, to plant an uncultivated part of the world, such planters and their heirs ought to enjoy by law, in such plantation, the same liberties and privileges as Englishmen in England; such plantation being but in nature of an extension or dilatation of the realm of England.

"2. King James did, by the charter to the treasurer and company, declare, that their posterity and descendants born in Virginia, should be taken as natural born subjects of England, (as, in truth, without any declaration or grant, they ought to be); which charter, although for the misgovernment of the company it were demanded in a quo warranto, yet did the said king forthwith promise and declare, that a charter should be renewed with the former privileges to the planters, at whose instance and for whose sake the said charter was called in.

"3. Neither his majesty, nor any of his ancestors or predecessors, have ever offered to impose any tax upon this plantation, without the consent of his subjects there."

It appears afterwards that a report was made, expressly allowing this among other grants proposed, with a single reservation; "that it should be no bar to any imposition which may be laid by act of parliament here, on the commodities which come from that country," (Virginia.) Being no more than, that parliament might lay duties, on Virginia products, imported into Great Britain.

An order of the king in council was made Nov. 19, 1675, directing a charter to be made out, containing this among a great many other most important matters; It was in fact completed all to affixing the great seal; at this stage for some cause it was stopped, and the charter never issued; in lieu of it, another passed the seals in Oct. following, in which this provision is omitted.

In the year 1692, "the legislature of Massachusetts, employed in establishing a system of laws under their new charter, (2) passed an act containing the general principles respecting the liberty of the subject which was asserted in magna charta, and in which was this memorable clause, 'No aid, tax, tallage, assessment, custom, loan, benevolence, or imposition whatsoever, shall be laid, assessed, imposed, or levied on any of their majesties' subjects or their estates, on any pretence whatsoever, but by the act and consent of the governor, council, and representatives of the people assembled in general court.' It is almost unnecessary to add, that the royal assent to this act

APPENDIX—Part 1st.—Miscellaneous. (*Virginia memorials, 1764.*)

was refused," but this proves, that the difference of opinion between the mother country and the colonies, on the great point which afterwards separated them, was always and openly maintained without fear or danger, from the earliest periods, after assemblies were called.

In *New York*, in the year 1713, the assembly "resolved, that the imposing and levying of any monies upon her majesty's subjects of this colony, under any pretence or colour whatsoever, without their consent in general assembly, is a grievance and violation of the people's property.

"This strong assertion of a principle, the controversy concerning which afterwards dismembered the British empire, then passed away without notice. It was probably understood to be directed only against the assumption of that power by the governor." *Marshall*.

In short, on this point of taxation by parliament, there had ever been a most decided opinion, that it was contrary to the fundamental principles of freedom, of property, and of the British constitution; and however, the *theoretical* notion of parliamentary power might be argued, it had not been practically attempted, until 1764. Mr. *Burke* considered it then (as all real statesmen, and politicians must have viewed it,) as of no importance, nor any justification to Great Britain, even if her parliament could PROVE THEIR RIGHT; to EXERCISE it, was oppressive, hateful, and ruinous to both parties; The colonies might justly avail themselves of the answer, even against an admitted right, that "*summum jus est summa injuria*," and the lawfulness to rise in resistance against the exercise of an authority over societies, which however it may be shown to exist from specious deductions, of conquest, colonization, and under ancient constitutions, would in practice upon a change of circumstances, reduce them to absolute slavery.

In Mr. *Burke's* great speech, (*Mar. 22, 1775, p. 175.*) on conciliation with America, he makes use of this answer to all fine spun arguments on the right. "Sir, let me add too, that the opinion of my having some abstract right in my favour, would not put me much at my ease in passing sentence, unless I could be sure that there were no rights which, in their exercise under certain circumstances, were not the most odious of all wrongs, and the most vexatious of all injustice."

No. 6. 1764, *Sugar and Stamp acts, Virginia Memorials.*

It appears, that after the *resolves* in the British house of commons, [*Mar. 1764.*] *Massachusetts* in June following, came to the strong resolutions mentioned at p. 16, asserting the utter unconstitutionality of the revenue acts, as well *port* customs, (or duties payable at the port of delivery,) as the intended *stamp* act, which seemed to be more decidedly an *internal* tax: yet in *October* following at their next session, for certain reasons stated at p. 17, they petitioned parliament, as well against "the sugar act" which had passed in *April*, as the intended *stamp* act, on the ground of impolicy, hardship, and infringement on their accustomed rights of internal taxation.

It was considered too daring, or at least imprudent, to *oppugn* the power of parliament, to bind the colonies, or to assert that any *statute* of England, would not have the force of *law* in the provinces.

It was altogether a novel, unexplored field of controversy: whatever the people and their representatives might think, the judicial authorities and legal characters, especially the crown lawyers, royal authorities and officers, entertained opposite opinions.

It was perceived that the principle of taxing the colonies for *revenue*, and actually put into operation, in addition to the admitted right of monopoly, and regulation of trade, must reduce them to the condition of a conquered people, liable to unlimited *requisitions*, without any negative or restraining power in its exercise, and scarcely with the means, at 3000 miles distance, of even being heard on the question of any proposed tax or imposition.

In this situation, and yet undecided where to draw the line or what ground to take, and having no concerted plan, the colonies who remonstrated before the passage of the stamp act, seem to have avoided a direct denial of the right of parliament to lay port duties, or even stamp duties for revenue.

I have not the *Massachusetts address* to parliament, nor those of *Rhode Island, Connecticut, and New York*, who appear to have put forward immediate remonstrances.

As to *VIRGINIA*, it appears by the *journal* of the house of burgesses, of the 14th of *November, 1764*, (page 38,) that a committee was appointed to draw up the following address, memorial, and remonstrance: which committee was composed of the following persons, to wit. Mr. Attorney (*Peyton Randolph*,) Mr. Richard Henry Lee, Mr. Landon Carter, Mr. Wythe, Mr. Edmund Pendleton, Mr. Benjamin Harrison, Mr. Cary and Mr. Fleming; to whom, afterward, Mr. Bland was added. The address to the king is from the pen of the Attorney. (1)

"To the King's most excellent majesty.

TO MOST GRACIOUS SOVEREIGN,

"We, your Majesty's dutiful and loyal subjects, the council and burgesses of your ancient colony and dominion of *Virginia*, now met in general assembly, beg leave to assure your Majesty of our firm and inviolable attachment to your sacred person and government; and as your faithful subjects here, have at all times been zealous to demonstrate this truth, by a ready compliance with

(1) On the authority of Mr. *Jefferson*.

APPENDIX—Part 1st.—Miscellaneous. (*Virginia memorials, 1764.*)

the royal requisitions during the late war, by which a heavy and oppressive debt of near half a million hath been incurred, so at this time they implore permission to approach the throne with humble confidence, and to entreat that your majesty will be graciously pleased to protect your people of this colony, in the enjoyment of their ancient and inestimable right of being governed by such laws, respecting their internal polity and taxation, as are derived from their own consent, with the approbation of their sovereign or his substitute: a right which, as men and descendants of *Britons*, they have ever quietly possessed, since, first, by royal permission and encouragement, they left the mother kingdom, to extend its commerce and dominion.

"Your majesty's dutiful subjects of *Virginia* most humbly and unanimously hope, that this invaluable birthright, descended to them from their ancestors, and in which they have been protected by your royal predecessors, will not be suffered to receive an injury, under the reign of your sacred majesty, already so illustriously distinguished by your gracious attention to the liberties of the people.

"That your majesty may long live to make nations happy, is the ardent prayer of your faithful subjects, the Council and Burgesses of *Virginia*."

"The author cannot learn who drew the following memorial; but from the style of the composition, compared with the members of the committee, and the distribution of its other labours, he thinks it probable that it was Mr. Pendleton; possibly, Mr. Bland.

"To the Right Honourable the Lords Spiritual and Temporal, in Parliament assembled:

"*The Memorial of the Council and Burgesses of Virginia, now met in General Assembly,*

hUMBLY REPRESENTS,

"That your memorialists hope an application to your lordships, the fixed and hereditary guardians of *British* liberty, will not be thought improper at this time, when measures are proposed, subversive, as they conceive, of that freedom, which all men, especially those who derive their constitution from *Britain*, have a right to enjoy; and they flatter themselves that your lordships will not look upon them as objects so unworthy your attention, as to regard any impropriety in the form or manner of their application, for your lordships' protection, of their just and undoubted rights as *Britons*.

"It cannot be presumption in your memorialists to call themselves by this distinguished name, since they are descended from *Britons*, who left their native country to extend its territory and dominion, and who, happily for *Britain*, and as your memorialists once thought, for themselves too, effected this purpose. As our ancestors brought with them, every right and privilege they could with justice claim in their mother kingdom, their descendants may conclude, they cannot be deprived of those rights without injustice.

"Your memorialists conceive it to be a fundamental principle of the *British* constitution, without which freedom can no where exist, that the people are not subject to any taxes but such as are laid on them by their own consent, or by those who are legally appointed to represent them; property must become too precarious for the genius of a free people, which can be taken from them at the will of others, who cannot know what taxes such people can bear, or the easiest mode of raising them; and who are not under that restraint, which is the greatest security against a burdensome taxation, when the representatives themselves must be affected by every tax imposed on the people.

"Your memorialists are therefore led into an humble confidence, that your lordships will not think any reason sufficient to support such a power, in the *British* parliament, where the colonies cannot be represented: a power never before constitutionally assumed, and which if they have a right to exercise on any occasion, must necessarily establish this melancholy truth, that the inhabitants of the colonies are the slaves of *Britons* from whom they are descended; and from whom they might expect every indulgence, that the obligations of interest and affection can entitle them to.

"Your memorialists have been invested with the right of taxing their own people from the establishment of a regular government in the colony, and requisitions have been constantly made to them by their sovereigns, on all occasions when the assistance of the colony was thought necessary to preserve the *British* interest in *America*; from whence they must conclude, they cannot now be deprived of a right they have so long enjoyed, and which they have never forfeited.

"The expenses incurred during the late war, in compliance with the demands on this colony by our late and present most gracious sovereigns, have involved us in a debt of near half a million, a debt not likely to decrease under the continued expense we are at, in providing for the security of the people against the incursions of our savage neighbours; at a time when the low state of our staple commodity, the total want of specie, and the late restrictions upon the trade of the colonies, render the circumstances of the people extremely distressful; and which, if taxes are accumulated upon them by the *British* parliament, will make them truly deplorable.

"Your memorialists cannot suggest to themselves any reason, why they should not still be trusted with the property of their people, with whose abilities, and the least burdensome mode of taxing, (with great deference to the superior wisdom of parliament,) they must be best acquainted.

"Your memorialists hope they shall not be suspected of being actuated on this occasion, by any principles but those of the purest loyalty and affection, as they always endeavoured by their conduct to demonstrate, that they consider their connexion with *Great Britain*, the seat of liberty, as their greatest happiness.

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"The duty they owe to themselves and their posterity, lays your memorialists under the necessity of endeavouring, to establish their constitution upon its proper foundation; and they do most humbly pray your lordships, to take this subject into your consideration, with the attention that is due to the well-being of the colonies, on which the prosperity of *Great Britain* does, in a great measure, depend."

Mr Wythe was the author of the following remonstrance. "It was done with so much freedom, that, as he told me himself, his colleagues of the committee shrunk from it as wearing the aspect of treason, and smoothed its features to its present form." *Mr. Jefferson.*

"To the Honourable the Knights, Citizens, and Burgesses of *Great Britain*, in Parliament assembled:

"*The Remonstrance of the Council and Burgesses of Virginia.*

"It appearing, by the printed votes of the house of commons of *Great Britain*, in parliament assembled, that in a committee of the whole house, the 17th day of *March* last, it was resolved, that towards defending, protecting, and securing the *British* colonies and plantations in *America*, it may be proper to charge certain stamp duties in the said colonies and plantations; and it being apprehended that the same subject, which was then declined, may be resumed and further pursued in a succeeding session. The council and burgesses of *Virginia*, met in general assembly, judge it their indispensable duty, in a respectful manner, but with decent firmness, to remonstrate against such a measure; that at least a cession of those rights, which in their opinion must be infringed by that procedure, may not be inferred from their silence, at so important a crisis.

"They conceive it is essential to *British* liberty, that laws, imposing taxes on the people, ought not to be made without the consent of representatives chosen by themselves; who, at the same time that they are acquainted with the circumstances of their constituents, sustain a portion of the burden laid on them. The privileges, inherent in the persons who discovered and settled these regions, could not be renounced or forfeited by their removal hither, not as vagabonds or fugitives, but licensed and encouraged by their prince, and animated with a laudable desire of enlarging the *British* dominion, and extending its commerce: on the contrary, it was secured to them and their descendants, with all other rights and immunities of *British* subjects, by a royal charter, which hath been invariably recognised and confirmed by his Majesty and his predecessors, in their commissions to the several governors, granting a power, and prescribing a form of legislation; according to which, laws for the administration of justice, and for the welfare and good government of the colony, have been hitherto enacted by the governor, council, and general assembly; and to them, requisitions and applications for supplies have been directed by the crown. As an instance of the opinion which former sovereigns entertained of these rights and privileges, we beg leave to refer to three acts of the general assembly, passed in the 32nd year of the reign of king *Charles II.* (one of which is entitled '*An act for raising a publick revenue for the better support of the government of his Majesty's colony of Virginia*,' imposing several duties for that purpose,) which being thought absolutely necessary, were prepared in *England*, and sent over by their then governor, the lord *Culpeper*, to be passed by the general assembly, with a full power to give the royal assent thereto; and which were accordingly passed, after several amendments were made to them here: thus tender was his Majesty of the rights of his *American* subjects; and the remonstrants do not discern by what distinction, they can be deprived of that sacred birthright and most valuable inheritance, by their fellow subjects; nor with what propriety they can be taxed or affected in their estates, by the parliament, wherein they are not, and indeed cannot constitutionally, be represented.

"And if it were proper for the parliament to impose taxes on the colonies at all, which the remonstrants take leave to think, would be inconsistent with the fundamental principles of the constitution; the exercise of that power, at this time, would be ruinous to *Virginia*, who exerted herself in the late war, it is feared, beyond her strength, inasmuch that to redeem the money granted for that exigence, her people are taxed for several years to come; this, with the larger expenses incurred for defending the frontiers against the restless *Indians*, who have infested her as much since the peace as before, is so grievous, that an increase of the burden would be intolerable; especially as the people are very greatly distressed already from the scarcity of circulating cash amongst them, and from the little value of their staple at the *British* markets.

"And it is presumed, that adding to that load which the colony now labours under, will not be more oppressive to her people than destructive of the interest of *Great Britain*; for the plantation trade, confined as it is to the mother country, hath been a principal means of multiplying and enriching her inhabitants; and, if not too much discouraged, may prove an inexhaustible source of treasure to the nation. For satisfaction in this point, let the present state of the *British* fleets and trade, be compared with what they were before the settlement of the colonies; and let it be considered, that whilst property in land may be acquired on very easy terms, in the vast uncultivated territory of *North America*, the colonists will be mostly, if not wholly, employed in agriculture; whereby the exportation of their commodities to *Great Britain*, and the consumption of manufactures supplied from thence, will be daily increasing. But this most desirable connexion between *Great Britain* and her colonies, supported by such a happy intercourse of reciprocal benefits as is continually advancing the prosperity of both, must be interrupted, if the people

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of the latter, reduced to extreme poverty, should be compelled to manufacture those articles they have been hitherto furnished with from the former.

"From these considerations, it is hoped that the honourable house of commons will not prosecute a measure, which those who may suffer under it cannot but look upon as fitter for exiles driven from their native country, after ignominiously forfeiting her favours and protection, than for the posterity of *Britons*, who have at all times been forward to demonstrate all due reverence to the mother kingdom; and are so instrumental in promoting her glory and felicity: and that *British* patriots will never consent to the exercise of any anticonstitutional power, which, even in this remote corner, may be dangerous in its example to the interior parts of the *British* empire, and will certainly be detrimental to its commerce."

No. 7. *Revenue acts, 1767. Virginia proceedings, 1768.*

At p. 32, will be found the circular letter from *Massachusetts* to the other colonies, on the subject of *Chs. Townshends* revenue system, unfolded in the beginning of this year. The answer of the house of burgesses of *Virginia* to this circular, is alluded to p. 35. As the notice of it there is very brief, an account more at large is given of it here.

It appears that *lt. gov. Francis Fauquier*, died in 1767: (1) upon this event the executive government devolved on *John Blair*, president of the council: the legislature had been summoned to meet in *March, 1768*. "A few days previous to the opening of their session, the speaker received the circular letter of *Massachusetts*, giving an account of their opposition to the parliamentary duties, and soliciting the concurrence of *Virginia* to her plan of constitutional resistance. A communication like this would naturally confirm the zeal of *Virginia*, if incentives had been wanting. Their resolution however, was already formed, and the proceedings of her legislature are thus rapidly, but impressively, detailed in their answer, through the medium of their speaker. After paying a just tribute of applause to the legislature of *Massachusetts* for their attention to American liberty, they tell them that, 'After the most deliberate consultation, they thought it their duty to represent to the parliament of Great Britain, that they are truly sensible of the happiness and security they derive from their connexions with, and dependance on Great Britain, and are under the greatest concern that any unlucky incident should interrupt that salutary harmony, which they wish ever to subsist. They lament, "that the remoteness of their situation often exposes them to such misrepresentations, as are apt to involve them in censures of disloyalty to their sovereign, and the want of a proper respect to the British parliament; whereas they have indulged themselves in the agreeable persuasion, that they ought to be considered as inferior to none of their fellow subjects in loyalty and affection.

"That they do not affect an independency of their parent kingdom, the prosperity of which they are bound to the utmost of their abilities to promote, but cheerfully acquiesce in the authority of parliament to make laws, for preserving a necessary dependance, and for regulating the trade of the colonies. Yet they cannot conceive, and humbly insist, it is not essential to support a proper relation between a mother country and colonies transplanted from her, that she should have a right to raise money from them without their consent: and presume they do not aspire to more than the natural rights of British subjects when they assert, that no power on earth has a right to impose taxes on the people, or take the smallest portion of their property without their consent, given by their representatives in parliament. This has ever been considered as the chief pillar of the constitution; without this support, no man can be said to have the least shadow of liberty, since they can have no property in that, which another can by right take from them when he pleases, without their consent.

"That their ancestors brought over with them entire, and transmitted to their descendants, the natural and constitutional rights they had enjoyed in their native country; and the first prin-

(1) The following is his character as drawn by *Mr. Burk*. "About this time died *Francis Fauquier*, lieutenant governor, at the age of 65 years, ten of which had been passed in *Virginia*.

"With some allowance, he was every thing that could have been wished for by *Virginia* under a royal government. Generous, liberal, elegant in his manners and acquirements; his example left an impression of taste, refinement and erudition, on the character of the colony, which eminently contributed to its present high reputation in the arts. It is stated on evidence sufficiently authentic, that on the return of *Anson*, from his circumnavigation of the earth, he accidentally fell in with *Fauquier*, from whom in a single night's play, he won at cards the whole of his patrimony; that afterwards, being captivated by the striking graces of this gentleman's person and conversation, he procured for him the government of *Virginia*. Unreclaimed by the former subversion of his fortune, he introduced the same fatal propensity to gaming into *Virginia*; and the example of so many virtues and accomplishments alloyed but by a single vice, was but too successful in extending the influence of this pernicious and ruinous practice. He found amongst the people of his new government, a character compounded of the same elements as his own; and he found little difficulty in rendering fashionable a practice, which had before his arrival, already prevailed to an alarming extent. During the recess of the courts of judicature and assemblies, he visited the most distinguished landholders in the colonies; and the rage of playing deep, reckless of time, health, or money, spread like a contagion amongst a class, proverbial for their hospitality, their politeness and fondness for expense. In every thing beside, *Fauquier* was the ornament and the delight of *Virginia*."

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ciples of the British constitution were early ingrafted into the constitution of the colonies. Hence, a legislative authority, ever essential in all free states, was derived, and assimilated as nearly as might be to that in England; the executive power, and the right of assenting or dissenting to all laws reserved to the crown, and the privilege of choosing their own representatives, continued to the people, and was confirmed to them by repeated and express stipulations. The government thus established, they enjoyed the fruits of their own labour, with a serenity which liberty only can impart. Upon pressing occasions they applied to his majesty for relief, and gratefully acknowledge, they have frequently received it from their mother country; whenever their assistance was necessary, *requisitions* have constantly been made from the crown to the representatives of the people, who have complied with them to the utmost extent of their abilities. The ample provision made for the support of the civil government, in the reign of king Charles the second, and at his request, and the large supplies voted during the last war, upon requisitions from his majesty and his royal grandfather, afford early and late instances of the dispositions of the assemblies of this colony, and are sufficient proofs that the parliament of Great Britain did not, till lately, assume a power of imposing taxes on the people, for the purpose of raising a revenue.

“To say that the commons of Great Britain have a right to impose internal taxes on the inhabitants of this continent, who are not, and cannot be represented, is in effect to bid them prepare for a state of slavery. What must be their situation should such a right be established? The colonies having no constitutional check on their liberality in giving away their money, cannot have an opportunity of explaining their grievances, or of pointing out the easiest method of taxation, for their doom will generally be determined before they are acquainted that the subject has been agitated in parliament, and the commons bear no proportion of the taxes they lay upon them. The notion of a virtual representation, which would render all our rights merely ideal, has been so often, and so clearly refuted, that nothing need be said on that head.

“The oppressive *stamp-act* confessedly imposed *internal* taxes, and the late acts of parliament, giving and granting certain *duties* in the British colonies, plainly tend to the same point. Duties have been imposed to restrain the commerce of one part of the empire, that was likely to prove injurious to another; and by this means the welfare of the whole promoted: but duties imposed on such of the British exports as are necessities of life, to be paid by the colonists on importation, without any view to the interests of *commerce*, but merely to raise a revenue; or in other words, to compel the colonists to part with their money against their inclinations; they conceive to be a tax internal to all *intents* and purposes. And can it be thought just or reasonable, restricted as they are in their trade, confined as they are in their exports, obliged to purchase their very necessities at the British market; that they should now be told, they shall not have them without paying a duty for them?

“The act *suspending* the legislative power of New York, they consider as still more alarming to the colonies, though it has that single province in view. If the parliament can compel them to furnish a single article to the troops sent over, they may by the same rule oblige them to furnish clothes, arms and every other necessary, even the pay of the officers and soldiers—a doctrine replete with every mischief, and utterly subversive of all that is dear and valuable: For what advantage can the people of the colonies derive from their right of choosing their own representatives, if those representatives when chosen, not permitted to exercise their own judgments, were under a necessity (on pain of being deprived of their legislative authority) of enforcing the mandates of a British parliament?

“This, sir, is a sketch of their sentiments, as they are expressed in a petition to his majesty; a memorial to the right honourable the lords spiritual and temporal; and in a remonstrance to the knights, citizens and burgesses of Great Britain in parliament assembled. In all those proceedings the council of the colony have concurred, and have directed their agent, James Abercrombie, esq. to join Edward Montague, esq. their agent for this colony, in applying for redress of the grievances they so justly complain of.—Copies were delivered to the president of the council, now commander in chief, who is desired to transmit them to the secretary of state appointed by his majesty to manage the affairs of North America, and Mr. Montague is enjoined to consult the agents of the other colonies, and to co-operate with them in every measure that shall be thought necessary to be taken on this critical point.

“They trust they have expressed themselves with a firmness that becomes freemen, pleading for essential rights, and with a decency that will take off every imputation of faction or disloyalty. They repose entire confidence in his majesty, who is ever attentive to the complaints of his subjects, and is ever ready to relieve their distress; and they are not without hopes that the colonies, united in a decent and regular opposition, may prevail on a new house of commons to put a stop to measures, so directly repugnant to the interests, both of the mother country and her colonies.” *Burk.*

No. 8. Revenue acts, 1767. *Virginia proceedings, 1769.*

At p. 39, *et seq.* are given the famous “*joint resolutions* of the two houses of parliament, Feb. 9, 1769.” denouncing the conduct of *Massachusetts*, relative to the revenue acts of 1767; asserting in the most direct and positive terms, the absolute right of *parliament* to lay *Duties and Taxes*, upon his majesty’s subjects in America. Before this, all had stood upon the *general* declaratory act of *Mar. 1766*, and on the *exercise* of the right of taxing, after that period. But on this occasion, the resolutions joined issue with the colonies, on the specific point of right in regard to tax-

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jug. Soon after these resolutions arrived, the *Virginia* legislature convened. Although parliament seemed to direct all its denunciations against *Massachusetts*; *Virginia* was not deceived nor flattered, by a policy so flimsy and hollow: the questions on taxation and every other grievance, were common wrongs, and subjects of common complaint. The "resolutions" of parliament covered the whole ground of controversy; they were communicated to the several Legislatures with great solemnity, under ministerial instructions, to the royal authorities in America. It was one among the many other foolish self-deceptions of the King's advisers; they imagined the menacing aspect of this great national assertion of right, by the lords and commons of England, would repress the evidently increasing hostility to the existing revenue laws, and the principle on which the colonists founded their opposition.

The *Virginia* assembly was opened *May 11, 1769*, by the new governor lord *Botetourt*, who had recently arrived. The first subject of consequence taken up was, that of *grievances*; and as most immediately demanding their notice, the assumptions contained in the "*joint Resolves of parliament*." Their petition to the king on this occasion, equally remarkable for its sincere expressions of loyalty, and bold assertion of constitutional rights, is given at large p. 41.

The *resolves* of the house which preceded it, and for which the governor immediately *dissolved* the assembly, are not stated; I shall here subjoin these, accompanied by the introductory remarks of the historian. (*Burk.*)

The new assembly "convened, agreeably to notice, and were addressed by the governor in a speech, calculated by its affectionate and conciliatory temper, to sooth every irritation of feeling. Amongst other things, it contained an assurance that the chief governor, by his majesty's instruction, would in future reside within the colony. The reply of the burgesses was respectful and complimentary, but marked by a character of caution and reserve. The governor, notwithstanding the favourable sentiments entertained of his honour and humanity, had given offence by the gaudy parade and pompous pageant, exhibited during the first day of the session. He was drawn upon that occasion by eight milk white horses, in a state coach presented him for that purpose by the king; and the same formalities were observed, as when the British sovereign goes in state to open the parliament. A pageant so opposite to the becoming simplicity of past times, could not fail to strike a body so enlightened, and it was designed they imagined, by this unmeaning glitter, to impress with reverence and abasement the senses of the people.

"The governor having proposed no specific objects for their consideration, the house proceeded without delay, to a spirited inquiry into the nature and tendency of the late parliamentary duties, which they scrupled not to ascribe to a deliberate intention, of subverting the ancient rights and constitution of the colony. In the investigation of this important subject, they were no longer embarrassed by the sophistry of opposition, one unanimous sentiment having absorbed all the shades and distinctions of opinion. In this spirit, the following resolutions were submitted and adopted.

[*May 16.*] "RESOLVED, nemine contradicente, *That the sole right of imposing taxes on the inhabitants of this his majesty's colony and dominion of Virginia, is now, and ever has been, legally and constitutionally vested in the house of burgesses, lawfully convened, according to the ancient and established practice, with the consent of the council, and of his majesty the king of Britain, or his governor for the time being.*

"RESOLVED, nemine contradicente, *That it is the undoubted privilege of the inhabitants of this colony, to petition their sovereign for redress of grievances, and that it is lawful and expedient to procure the concurrence of his majesty's other colonies, in dutiful addresses, praying the royal interposition in favour of the violated rights of America.*

"RESOLVED, nemine contradicente, *That all trials for treason, misprison of treason, or for any felony or crime whatsoever, committed or done in this his majesty's said colony and dominion, by any person or persons residing therein, ought of right to be had and conducted in and before his majesty's courts held within his said colony, according to the fixed and known course of proceeding; and that the seizing any person or persons residing in this colony, suspected of any crime whatsoever committed therein, and sending such person or persons to places beyond the sea to be tried, is highly derogatory of the rights of British subjects, as thereby the inestimable privilege of being tried by a jury from their vicinage, as well as the liberty of summoning and producing witnesses in such trial, will be taken away from the party accused.*

"RESOLVED, nemine contradicente, *That an humble, dutiful and loyal address, be presented to his majesty, to assure him of our inviolable attachment to his sacred person and government, and to beseech his royal interposition, as the father of all his people, however remote from the seat of his empire, to quiet the minds of his loyal subjects of this colony, and to avert from them those dangers and miseries which will ensue, from the seizing and carrying beyond sea any person residing in America, suspected of any crime whatsoever, to be tried in any other manner than by the ancient and long established course of proceeding."*

"It was then 'Ordered, that the speaker of this house do transmit, without delay, to the speakers of the several houses of assembly on this continent, a copy of the resolutions now agreed to by this house, requesting their concurrence therein."

"On the following day, [*May 17,*] as if no longer hoping for redress, or disdaining to solicit it from the corruption and arrogance of parliament, an address to the king alone was agreed to, accompanied by an order that the speaker should transmit it to the agent of the colony, 'with dis-

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rections to cause the same to be presented to his most excellent majesty, and afterwards to be printed and published in the English papers.*

"But the governour had now taken the alarm, and at 12 o'clock on the following day, [18th,] having proceeded to the capitol, he sent a message by his secretary, Mr. Walthoe, to the speaker and house of burgesses, to meet him in the council chamber: The summons being instantly obeyed, he addressed to them the ominous and alarming sentence,

Mr. Speaker, and Gentlemen of the House of Burgesses.

"I have heard of your resolves, and augur ill of their effects. You have made it my duty to *dissolve* you, and you are dissolved accordingly."

"But the time was past, when the mere breath of authority could extinguish the light of justice and reason. With one consent, the representatives repaired to a private house in the city, and having appointed their speaker moderator, a nonimportation agreement was immediately entered into, which having been unanimously signed by all the members present, was by order sent for signatures through the country."

Mr. Burk adds, "These spirited proceedings had the beneficial effect of confirming the opposition of the other colonies, more especially of Massachusetts, against which the vindictive policy of administration had been particularly directed. Virginia—and her courage, intelligence and patriotism became, throughout America, themes of grateful panegyrick." (1)

One considerable object of this compilation, being to exhibit the *real* patriotism of that period; affording to posterity, bright examples of those solid virtues, and that manly courage and fortitude, which inspired the bosoms of their ancestors; I here subjoin the form of "association," with the names of the truly great men and patriots who subscribed it: Among them will be found, those of WASHINGTON, LEE, HENRY, JEFFERSON, &c.

Copy of ASSOCIATION.

"We, his majesty's most dutiful subjects, the late representatives of all the freeholders of the colony of Virginia, avowing our inviolable and unshaken fidelity and loyalty to our most gracious sovereign, our affection for all our fellow subjects of Great Britain, protesting against every act or thing which may have the most distant tendency to interrupt, or in any wise disturb his majesty's peace and the good order of his government in this colony, which we are resolved at the risk of our lives and fortunes to maintain and defend; but at the same time being deeply affected, with the grievances and distresses with which his majesty's American subjects are oppressed, and dreading the evils which threaten the ruin of ourselves and our posterity, by reducing us from a free and happy people to a wretched and miserable state of slavery; and having taken into our most serious consideration the present state of the trade of this colony, and of the American commerce in general, observe with anxiety; that the debt due to Great Britain for goods imported from thence is very great, and that the means of paying this debt, in the present situation of affairs, are likely to become more and more precarious; that the difficulties under which we now labour are owing to the restrictions, prohibitions, and ill advised regulations, in several late acts of parliament of Great Britain; in particular, that the late unconstitutional act imposing duties on tea, paper, glass, &c. for the sole purpose of raising a revenue in America, is injurious to property and destructive to liberty; hath a necessary tendency to prevent the payment of the debt due from this colony to Great Britain, and is of consequence ruinous to trade; that notwithstanding the many earnest applications already made, there is little reason to expect a redress of those grievances: Therefore, in justice to ourselves and our posterity, as well as to the traders of Great Britain concerned in the American commerce, we, the subscribers, have voluntarily and unanimously entered into the following resolutions, in hopes that our example will induce the good people of this colony, to be frugal in the use and consumption of British manufactures, and that the merchants and manufacturers of Great Britain may, from motives of interest, friendship and justice, be engaged to exert themselves to obtain for us a redress of those grievances, under which the trade and inhabitants of America at present labour. We do therefore most earnestly recommend this our association to the serious attention of all gentlemen merchants, traders, and other inhabitants of this colony, in hopes that they will very readily and cordially accede thereto.

"First, It is unanimously agreed on and resolved, this 18th day of May, 1769; that the subscribers, as well by their own example as all other legal ways and means in their power, will promote and encourage industry and frugality, and discourage all manner of luxury and extravagance.

"Secondly, That they will not at any time hereafter, directly or indirectly, import, or cause to

(1) *The parliamentary resolutions in Feb. 1769, very much increased the discontents already prevailing, against the duties of 1767; It appears that this threatening document had scarcely passed through the two houses, before it was resolved upon in the British cabinet to abandon the taxes; and this intention was communicated to the several governors, and was laid before the several legislatures, almost as early as the parliamentary resolves; The partial repeal of the act, produced some degree of quiet until 1773. See p. 45, et seq.*

APPENDIX—Part 1st.—Miscellaneous. (*Virginia proceedings, 1769.*)

be imported, any manner of goods, merchandize or manufactures, which are, or shall hereafter be taxed by act of parliament for the purpose of raising a revenue in America, (except paper not exceeding eight shillings sterling per ream, and except such articles only as orders have been already sent for) nor purchase any such after the first day of *September* next, of any person whatsoever, but that they will always consider such taxation in every respect, as an absolute prohibition, and in all future orders, direct their correspondents to ship them no goods whatever taxed as aforesaid, except as is above excepted.

“Thirdly, That the subscribers will not hereafter, directly or indirectly, import, or cause to be imported, from Great Britain, or any part of Europe, (except such articles of the produce or manufacture of Ireland as may be immediately and legally brought from thence, and except also such goods as orders have been already sent for) any of the goods hereinafter enumerated, viz. spirits, wine, cider, perry, beer, ale, malt, barley, peas, beef, pork, fish, butter, cheese, tallow, candles, oil, fruit, sugar, pickles, confectionary, pewter, hoes, axes, watches, clocks, tables, chairs, looking-glasses, carriages, joiners and cabinet work of all sorts, upholstery of all sorts, trinkets and jewellery, plate and gold, and silversmiths’ work of all sorts, ribband and millinery of all sorts, lace of all sorts, India goods of all sorts, (except spices) silks of all sorts (except sewing silk) cambrick, lawn, muslin, gauze, (except bolting cloths) calico or cotton stuffs of more than two shillings per yard, linen of more than two shillings per yard, woollens, worsted stuffs of all sorts of more than one shilling and sixpence per yard, broadcloths of all kinds at more than eight shillings per yard, narrow cloths of all kinds at more than three shillings per yard, hats, stockings, (plaid and Irish hose excepted,) shoes and boots, saddles, and all manufactures of leather, and skins of all kinds; until the late acts of parliament imposing duties on tea, paper, glass, &c. for the purpose of raising a revenue in America, are repealed; and that they will not, after the first of *September* next, purchase any of the above enumerated goods, of any person whatsoever, unless the above mentioned acts of parliament are repealed.

“Fourthly, That in all orders which any of the subscribers may hereafter send to Great Britain, they shall and will expressly direct their correspondents not to ship them any of the before enumerated goods, until the before mentioned acts of parliament are repealed; and if any goods are shipped to them, contrary to the tenour of this agreement, they will refuse to take the same, or make themselves chargeable therewith.

“Fifthly, That they will not import any slaves, or purchase any imported, after the first day of *November* next, until the said acts are repealed.

“Sixthly, That they will not import any wines of any kind whatever, or purchase the same from any person whatever, after the first day of *September* next, except such wines as are already ordered, until the acts of parliament imposing duties thereon of parliament are repealed.

“Seventhly, For the better preservation of the breed of sheep, that they will not kill, or suffer to be killed, any lambs that shall be yeaned before the first day of *May*, in any year, nor dispose of such to any butcher, or other person whom they may have reason to suspect intends to kill the same.

“Eighthly and lastly, That these resolves shall be binding on all and each of the subscribers, who do hereby each and every person for himself, upon his word and honour, agree that he will strictly and firmly adhere to and abide by every article in this agreement, from the time of his signing the same, for and during the continuance of the before mentioned acts of parliament, or until a general meeting of the subscribers, after one month’s publick notice shall determine otherwise, the second article of this agreement still and for ever continuing in full power and force.

“Peyton Randolph, Robert Carter Nicholas, Richard Bland, Archibald Cary, Richard Henry Lee, Charles Carter, George Washington, Carter Braxton, Severn Eyre, Richard Randolph, Patrick Henry, jun. Peter Johnston, Henry Lee, Nathaniel Terry, Thomas Whiting, Thomas Jefferson, Thomas Nelson, jun. James Walker, John Alexander, Champion Travis, George Ball, Thomas Harrison, Thomas Claiborne, John Blair, jun. Thomson Mason, Josias Payne, jun. Burwell Bassett, Richard Anderson, James Scott, jun. John Green, Wilson Miles Cary, Gabriel Jones, Willis Riddick, Thomas Glascock, John Woolson, Ben. Howard, Isaac Read, Foushee Tebbbs, Edward Osborne, Francis Peyton, Abraham Hire, James Wood, Richard Baker, Edwin Gray, Robert Munford, Henry Taylor, Joseph Cabell, Alex. Trent, John Mayo, David Mason, Wm. Macon, jun. Hugh Jones, Bolling Stark, Robert Bolling, Paul Carrington, Thos. Walker, Wm. Cabell, jun. Nathaniel Edwards, jun. Robert Rutherford, Thos. Barber, Charles Lynch, James Hamilton, John Wilson, Wm. Clayton, Robert Munford, (Mecklenburg,) Thomas Baily, Thos. Scott, Lewis Burwell, John Harmanson, Thomas Parramore, John Donelson, Cornelius Thomas, Thomas Johnson, John Lewis, jun. Wm. Rone, Wm. Acerrill, Hartwell Coke, John Talbot, Richard Lee, Joseph Hutchings, Edward Hack Mosely, jun. John Ackiss, James Bridger, David Mead, Southy Simpson, Peter Poythress, Philip Ludwell Grymes, Richard Starke, clerk to the association.” (1)

(1) *Gov. Botetourt, died in the fall of the following year, [1770.] His character is thus shortly given by Mr. Burk; “This year died Norborne lord Botetourt, governor of Virginia: a man possessed of every publick and private virtue which can adorn human nature. Employed by a corrupt minister, on account of his splendid rank and engaging address, to awe, intimidate or seduce the integrity and patriotism of Virginia, he made his publick entry as has been already noticed, with the pomp and splendour of majesty itself. He was told that the people of his government were disposed to mutiny and rebellion; that they were licentious and immoral, and spurned at*

APPENDIX—Part 1st.—Miscellaneous. (*Mutiny act, 1769.*)No. 9. 1769. *Mutiny act. p. 45.*

At *Note 1. p. 45.* before [July 12.] read [July 6.] “The governor sent a message to the court, with accounts of the expenditures already incurred by quartering his majesty’s troops; desiring funds to be provided for discharging the same; and requiring a provision for the farther quartering of the forces in Boston and Castle Island, according to act of parliament.” *Holmes.*

No. 10. *Revenue acts, 1767. Philadelphia Merchants, 1769.*

At this period, the opposition to *Townshend’s* revenue acts passed in 1767, was very high in the colonies. In the spring however of this year, (1769) it had been resolved upon, to repeal the act of June 29, 1767, laying the duties, excepting “Tea.”

This intention was communicated to the colonies, by the earl of *Hillsborough* in May; and during the next session of parliament it was repealed, *Ap. 12. 1770. p. 45. et seq.*

The intended repeal, with an “exception of the Tea,” did not satisfy the colonies. *Massachusetts* and *Virginia* immediately protested against a partial repeal, which did not remove the grievance; (*p. 46.*) it was the principle they contended against. The merchants and inhabitants of these colonies therefore immediately and before the repeal, entered anew into general non-importation agreements, until there should be a total repeal of this and all revenue acts. Other colonies followed their example. *p. 45. 6. &c.*

After notice of the intended repeal, and as late as Nov. 25, the *Merchants of Philadelphia* determined upon the same generous system, in order if possible to force ministers to a total repeal.

I extract an account of their conduct on this occasion from *Gordon*, as follows:

“Though the testimony of the *Pennsylvania assembly* against the resolves of parliament, and in favour of the *Virginia* resolves, the repeal of all the revenue acts, and a redress of all grievances, was wanting; (1) yet the *Philadelphia committee of merchants*, whose character and influence in the present business weighed more than that of the assembly, failed not to express their minds fully to the committee in London, long after the circular letter of lord *Hillsborough* was a matter of notoriety. They thus wrote [Nov. 25.] ‘Though we are not favoured with an answer to our letter of the eighth of April last, yet as the liberty of America is at stake, and the minds of the people here are much agitated, and as the continuation of the unhappy dispute between the parliament and the colonies must not only affect your and our interest, but the general interest and happiness of both countries; we think it our duty to apply to you again, and earnestly request you would use your best endeavours with those in the administration, to restore tranquility, and re-establish the colonies in the enjoyment of their ancient rights and privileges. We are very sensible, that the prosperity of the colonies depends upon their union and connection with Great Britain. In this sentiment all the Americans concur, yet they cannot bring themselves to think

(1) Alluding to the resolutions of parliament and counter-resolutions of *Virginia. p. 40.*

the just authority of the parent state. As the difficulties he must encounter were obviously great, it was represented, that great would be the glory of reclaiming them to order and government. He came; he looked around him; he judged for himself. Instead of mutiny, immorality and treason; he saw a people, devoted indeed to liberty, and ready to seal their attachment with their blood; but at the same time loyal, just, humane, disposed to affection, and won even by trifling kindness. The result of these observations was in various shapes transmitted to his government, and various artifices were used by fallacious hopes and studied delays, to impose at once on the governor and people of *Virginia*. Disgusted at length with these hollow assurances, he indignantly demanded his recal, and the sense of his own violated honour, added to his sorrow for the condition of the colony, preying on a delicate constitution and a keen sensibility, he was taken off by an acute disease after a few days illness, regretted by all as their friend, their benefactor, their father.

Subjoined to this is a character of the governor, which would seem to be drawn by another hand: independent of its worth as a biographical memoir of an excellent man; it is placed here as furnishing evidence, of the sentiments of a competent and surely not a biased judge, that the opposition to *British* measures in *Virginia*, did not spring from a spirit of disloyalty and faction, or thirst for independence; but from a sincere conviction of violated rights, and the necessity at all hazards of repelling further encroachments upon the vital liberties of freemen.

“In 1768 lord *Botetourt* began his administration, as governor in chief; the first governor, I think, since lord *Culpepper*, who condescended to come to this colony: And he came with a sincere hope, that he could heal the wounds which *Virginia* and the other colonies had received. He did his utmost to remove from the minds of the ministry their suspicion, that *Virginia* was disposed to throw off the government of Britain, affirming as he did, in letters which he gave open to *Peyton Randolph* and *R. C. Nicholas*, and which they read and then sealed with his seal, and sent to lord *Hillsborough*—“I think that the king of Great Britain has not more loyal subjects in the whole extent of his dominions than the people of *Virginia*.” And as soon as the oppressive nature of the several taxes laid by the *British* parliament on the colonies, was pointed out to him by these

APPENDIX—Part 1st.—Miscellaneous. (*Philadelphia Merchants 1769.*)

that for this reason they ought to be divested of liberty and property. Yet this must be the case, if the parliament can make laws to bind the colonies in all cases whatever—can levy taxes upon them without their consent, dispose of the revenues thus raised without their control, multiply officers at pleasure, and assign them fees to be paid without, nay, contrary to and in direct violation of, acts of assembly regularly passed by the colonies and approved by the crown—can enlarge the powers of the admiralty courts, divert the usual channels of justice, deprive the colonists of trial by a jury of their own countrymen, in short, break down the barriers which their forefathers have erected against arbitrary power, and enforce their edicts by fleets and armies. To such a system of government, the Americans cannot tamely submit; not from an impatience of subordination, a spirit of independence, or want of loyalty to their king; for in a quiet submission to just government, in zeal, affection and attachment to their king, the people of the colonies dare to vie with any of the best of their fellow subjects; but from an innate love of liberty and the British constitution.

“In our last, we intimated our fears that the ministry were greatly abused, and the people of America grossly misrepresented, by some who did not wish well either to Great Britain or the colonies. The letters of one of our American governors, (Bernard) and in the memorials of a board lately erected among us, not to mention other documents laid before the publick, evince that our fears were but too well grounded. From these it is apparent, that every sly art has been used to incense the ministry against the colonies; every argument that malice could invent has been urged, to induce them to overturn the ancient foundations of liberty. Nay, to compass their base ends, they have declared in express terms, and taken uncommon pains, to make the ministry believe, that, ‘there has been a long concerted and extensive plan of resistance to the authority of Great Britain in all the provinces, and that a seizure made at Boston had hastened the people there, to the commission of actual violence sooner than was intended.

“In justice to the province where we reside, and indeed to all America, we beg leave to assure you, that such representations are without any just foundation, and that nothing can be a greater deviation from truth. Though at the same time we confess, that the ends accomplished by these and such like infamous slanders and vile arts, have given a general alarm, and caused a universal uneasiness in the minds of the Americans. They now see a rod of power held over their heads; they begin to feel the severities of a court, that by its late enlarged jurisdiction, is empowered to break in upon the proceedings of the common law courts; and they have anxious fears for the existence of their assemblies, which they consider as their last and only bulwark against arbitrary power. For if, say they, laws can be made, money levied, government supported, and justice administered, without the intervention of assemblies, of what use can they be? They are no essential member of the constitution. And being useless and unessential, is there not reason to fear they will quickly become disagreeable, and then be wholly laid aside? and when that happens, what security have we for freedom, or what remains for the colonist, but the most abject slavery?

“These are not the reasonings of politicians; but the sentiments and language of the people in general. For with great truth we may say, in no country is the love of liberty more deeply rooted, or the knowledge of the rights inherent to freemen, more generally diffused, and the

patriotick gentlemen, he never ceased to urge on the ministry the propriety of their repeal; and once had actually obtained such a promise as he thought he could rely on, and with the highest satisfaction announced it to the general assembly. But finding himself deceived by a perfidious government, he boldly demanded his recall, and declared that he would not be their tool, or attempt to oppress an innocent and virtuous people. He survived this manly exercise of his judgment, influenced by sentiments of honour and sound political justice, but a few months, as he died in the fall after, of a bilious fever, which I thought was greatly aggravated by his chagrin and disappointment. He was a generous patron of the arts and sciences, giving out of his private purse, valuable silver and gold medals as prizes to the students at college, and paid an incredible attention to the professors and students at William and Mary college. For these reasons, most deservedly the general assembly erected his statue, as a monument to his memory, in the area of their capitol, although the inscriptions express imperfectly what the members knew and felt.

“He was easy of access, even to the poorest, whether they called on him through mere curiosity, as many did, or on business; in either case, such was his happy temper and disposition, that all left him satisfied. He expedited business in the supreme courts by his early and constant attendance; meeting the councillors on the bench nearly two hours sooner than they had ever been accustomed to meet, and detaining them there an hour or two longer than any other governor had done. And the business of the county court he expedited, by leaving out of the commission of justices, the names of those who neglected to attend without sufficient cause.

“Botetourt began his administration with great parade; he met the assembly in a state coach which had been presented to him by the king, and in imitation of his sovereign, this equipage was drawn by six white horses, which slowly drew him from the palace to the capitol. As well as I can recollect, his lordship laid aside this pompous ceremony, when he found it produced none of the desired effects. There can be no doubt that he had been instructed, to impress us generally with ideas of royal splendour and its attendant power; and to diffuse by this means into minds susceptible of it, a hope of being elevated to stations where some portion of this splendour might be enjoyed. In short, it cannot be doubted (notwithstanding his honest declaration to the British minister) that he would have coaxed us or bullied us into a submission to the will of his royal master if he could,

APPENDIX—Part 1st.—Miscellaneous. (*Philadelphia merchants, 1769.*)

principles of freedom and government better understood, than among the British American colonies.

“For this reason, we think ourselves obliged to inform you, that though the merchants have confined their agreements to the repeal of the act laying a duty on tea, paper, glass, &c. yet nothing less than a repeal of *all* the revenue acts, and putting things on the same footing they were before the late innovations, can or will satisfy the minds of the people. The fleets and armies may overawe our towns; admiralty courts and boards of commissioners, with their swarms of underlings may, by a rigorous execution of severe unconstitutional acts, ruin our commerce, and render America of little use to the people of Britain; but while every farmer is a freeholder, the spirit of liberty will prevail, and every attempt to divest them of the privileges of freemen, must be attended with consequences injurious to the colonies and the mother country.

“In a matter of so great importance you will excuse this freedom. We consider the merchants here and in England, as the links of the chain that binds both countries together. They are deeply concerned in preserving the union and connection. Whatever tends to alienate the affections of the colonists, or to make them averse to the customs, fashions and manufactures of Britain, hurts their interest. While some therefore, from ambitious views and sinister motives, are labouring to widen the breach, we whose private interest is happily connected with the union, or which is the same, with the peace and prosperity of both countries, may be allowed to plead for an end of these unhappy disputes; and that by a repeal of the offensive acts, the cause of jealousy and uneasiness may be removed, tranquillity restored, harmony and mutual affection re-established, and trade return to its usual channel.”

“The names of the committee on the back of the draft from which the above has been occupied, were, *Alexander Huston, John Rhea, John Cox, John Gibson, Joseph Swift, James Mease, J. M. Nesbit, William West, Robert Morris, Charles Thomson, Daniel Benezet, William Fisher, George Roberts, Samuel Howell, and Thomas Mifflin.*” *Gord.*

No. 11. 1769. Sir Francis Bernard. p. 53.

To the *note* relative to *sir Francis Bernard*, at p. 53, it may be added, “that on a hearing before the king in council, upon the petition of the house to remove him from the government, it was dismissed; and a pension, in addition to his title of baronet, of 1000*l.* sterling was settled upon him for life. The mention of his recall in 1770, p. 60, is a mistake of the writer of *lord North's Administration*—his recall was in 1769, as mentioned p. 58.

No. 12. 1770. Regulators. p. 52.

The defeat of the “Regulators” in *N. Carolina*, by gov. Tryon, referred to at this page and year, happened *May 16, 1771.* and is thus related:

“A body of the inhabitants of North Carolina, complaining of oppressions practised in the law

when he first came amongst us. But he had too much feeling not to feel for us, when he saw our oppression; too much of a manly spirit to wish to have that crushed, which as a brave Englishman, he must have thought was glorious in the descendants of their loyal fellow subjects of Britain; and he had too high a sense of honour, not to desist from the base attempt which he saw was made to deceive, oppress and enslave a virtuous people, and no small portion of his fellow subjects.”

Mr. Burk adds, “Notwithstanding the great events which agitated Virginia in common with all America, the virtues of the late governor were not forgotten, and the regrets of the house of burgesses displayed themselves, in a manner equally worthy of the deceased and the long established character of the colony.”

They “RESOLVED, nemine contradicente, That an elegant statue of his late excellency, the right honourable Norborne baron de Botetourt, be erected in marble at the publick expense, with proper inscriptions, expressing the grateful sense this house entertains of his lordship's prudent and wise administration. and their great solicitude to perpetuate, as far as they are able, the remembrance of those many publick and social virtues which adorned his illustrious character. That the same be sent for to Great Britain, under the direction of the honourable William Nelson, Thomas Nelson. and Peyton Randolph, esquires; Robert Carter Nicholas, Lewis Burwell, and Dudley Diggs, esquires.

“RESOLVED, That the treasurer pay for the statue to be erected to the memory of lord Botetourt, out of the publick money in the treasury.” Burk.

Nothing is more characteristic of intellectual cultivation, and the refinement of manners which prevailed among the leading characters in Virginia, at that day, than the personal conduct they observed towards the constituted authorities, in the political contentions of the times: Their vigilance never slept, nor did they desist from asserting on every occasion, the rights of America in the most forceable and convincing language, yet ever accompanied with that courtesy and regard to forms of deportment, which elevated their own characters, and gave to their proceedings an air of sincerity and cool determination, much better calculated, either to persuade or alarm their oppressors, than petulance, angry denunciation, and abuse.

APPENDIX—Part 1st.—Miscellaneous. (*Boston committee, Gaspee. 1772.*)

and by the officers of the judicial court, rose in arms, to the number of about fifteen hundred, under the name of regulators, for the purpose of shutting up the courts of justice, destroying all officers of government, and all lawyers, and of prostrating government itself. Governor Tryon marched against them with about one thousand militia, and in a battle at Alnanssee, on the sixteenth of *May*, totally defeated them. Three hundred of the regulators were found dead on the field. At the supreme court in *June*, twelve of the insurgents were tried and condemned for high treason, and six of them were executed. *Holmes.*

No. 13. 1772. *Boston Committee. p. 54.*

The *Boston Committee of correspondence*, mentioned in this page, (under date *Nov. 2.*) consisted of 21 gentlemen of great character and talents. *Dr. Holmes*, in his annals, asserts that it "was the basis of the subsequent union of the colonies." The persons named on it were "*James Otis, Samuel Adams, Joseph Warren, Benjamin Church, William Dennie, William Greenleaf, Joseph Greenleaf, Thomas Young, William Powell, Nathaniel Appleton, Oliver Wendell, John Sweetzer, Josiah Quincy, John Bradford, Richard Buxton, William Mackay, Nathaniel Barber, Caleb Davis, Alexander Hill, William Molineux, and Robert Pierpoint, Esquires.*" *Holmes.*

No. 14. 1772. *Gaspee p. 55.*

Mr. Gordon states this transaction as follows: "The affair which has happened in *Rhode Island*, will prove a fresh provocation to ministry, and tend to fix them in their plans respecting the colonies.

"*Lieutenant Dudington*, the commander of the late armed schooner the *Gaspee*, had been remarkably assiduous in supporting the laws against smuggling, and in searching after contraband goods, by which he had given great offence. He had also brought upon himself the resentment of many, by firing at the *Providence* packets (employed in transporting goods and passengers from thence to *Newport*, and *vice versa*) in order to oblige the masters to take down their colours, and by chasing them even into the docks when it had been refused. The *Providence* packet coming up, as usual with colours flying and company on board, probably a party of pleasure, as is frequent in the summer season, and refusing to take them down, the lieutenant fired a shot, which being disregarded, he chased. [*June 9, 1772.*] It was near upon or quite high water. The packet stood in with the land as close as consisted with safety, designing that the *Gaspee* should be run aground in the chase. The design succeeded. The *Gaspee* was soon fast, and could not stir, the tide having done flowing. The packet proceeded to town. The situation of the *Gaspee*, and resentment against the commander, excited the thought of attacking and destroying her. *Mr. John Brown*, a considerable merchant of *Providence*, was the principal in the business. Captain *Whipple* was immediately employed to heat up for volunteers, and a number offered, and engaged to go upon any service for which they were wanted. Several whale boats were procured and filled with armed men. *Mr. Brown* accompanied them in the expedition. Captain *Whipple* as they proceeded, observed to *Mr. Brown*, that he might lose his life, and that he had a family, and therefore he required that care should be taken of them in case of his death. *Mr. Brown* engaged to do it should that happen. [*June, 10.*] About two o'clock in the morning they boarded and carried the schooner, as she lay aground about seven miles below *Providence*. *Mr. Brown* was himself the first on board. The lieutenant was wounded. He and the crew were put on shore, and every thing valuable belonging to him, was taken out and saved for him; after which the *Gaspee*, with all her stores, was burned.

"Though a reward of five hundred pounds, together with a pardon if claimed by an accomplice, has been offered by proclamation, for discovering and apprehending any of the persons concerned; yet the commissioners appointed to try the matter, have transmitted accounts to ministry, that they can obtain no evidence. If any one had wished to give evidence, that he might get the reward, yet the thought that he should risk his life, or be obliged to fly the country and become a perpetual exile, would naturally have overcome such propensity. It was too hazardous to turn informer. Some who were secured, in expectation that they would give intelligence, were assisted by the populace in making their escape, before any thing material could be learnt from them by the commissioners." *Gord.*

"A commission under the great seal of England arrived in December, appointing *Joseph Wanton*, Governor of *Rhode Island*, *Daniel Horsmander* chief justice of New York, *Frederick Smith* chief justice of New Jersey, *Peter Oliver*, chief justice of Massachusetts Bay, and *Robert Auchmuty* judge of Admiralty, to make inquiry concerning this transaction. Their commission was read and read, in the council chamber of the court house in *Newport*, 5 Jan. 1773: and their proceeding terminated 24 June. Pres. *Stiles*, MSS."

This is the "court" alluded to in the address of the first congress, to the inhabitants of the colonies, as established at *Rhode Island*, see p. 128. It was a court of inquiry; and if any delinquents had been detected, they were to be sent to England for trial under the act. But after several months the commissioners court rose; RE INFECTA. No informers appeared, nor did they procure any evidence.

APPENDIX—Part 1st.—*Miscellaneous. (Virginia. Committee of correspondence, 1773.)*

The affair created a great sensation. On the 12 *Mar.* 1773, when the Virginia house of Burgesses passed resolutions, appointing a "general committee of correspondence," it was made a particular instruction to them, "that they do, without delay, inform themselves particularly of the principles and authority, on which was constituted a court of inquiry, said to have been lately held in Rhode Island; with powers to transport persons accused of offences committed in America, to places beyond the seas to be tried."

No. 15. 1773. *Virginia. Committee of correspondence. p. 62.*

At p. 62. note 2. mention is made of this committee; not then being possessed of the particulars of the transaction, they are here transcribed from the "life of P. Henry" by Mr. Wirt. (1) Speaking of the house of Burgesses at that period, he observes: "This house had the merit of originating that powerful engine of resistance, corresponding committees between the legislatures of the different colonies. The measure was brought forward by Mr. Dabney Carr, a new member from the county of Louisa, in a committee of the whole house, on the 12th of *Mar.* 1773; and the resolutions, as adopted, now stood upon the journals of the day in the following terms:

"Whereas the minds of his majesty's faithful subjects in this colony, have been much disturbed by various rumours and reports of proceedings, tending to deprive them of their ancient, legal and constitutional rights:

"And whereas the affairs of this colony are frequently connected with those of Great Britain, as well as the neighbouring colonies, which renders a communication of sentiments necessary; in order, therefore, to remove the uneasiness, and to quiet the minds of the people, as well as for the other good purposes above mentioned;

"Be it RESOLVED, That a standing committee of correspondence and inquiry be appointed, to consist of eleven persons, to wit: the honourable Peyton Randolph esquire, Robert C. Nicholas, Richard Bland, Richard H. Lee, Benjamin Harrison, Edmund Pendleton, Patrick Henry, Dudley Digges, Dabney Carr, Archibald Cary, and Thomas Jefferson, esquires; any six of whom to be a committee, whose business it shall be to obtain the most early and authentic intelligence, of all such acts and resolutions of the British parliament, or proceedings of administration, as may relate to, or affect the British colonies in America; and to keep up and maintain a correspondence and communication with our sister colonies, respecting those important considerations; and the result of such their proceedings, from time to time, to lay before this house."

"The said resolutions, being severally read a second time, were, upon the question severally put thereupon, agreed to by the house, *nemine contradicente*.

"RESOLVED, That the speaker of this house do transmit to the speakers of the different assemblies of the British colonies on the continent, copies of the said resolutions, and desire that they will lay them before their respective assemblies, and request them to appoint some person or persons of their respective bodies, to communicate from time to time with the said committee."

In a note on this account, Mr. Wirt remarks, "*The state of Massachusetts is entitled to equal honour: the measures were so nearly coeval in the two states, as to render it impossible that either could have borrowed it from the other. The messengers, who bore the propositions from the two states, are said to have crossed each other on the way. This is Mr. Jefferson's account of it; and Mrs. Warren, in her very interesting history of the revolution, admits, that the measure was original on the part of Virginia. See the note to page 110, of her first volume.*"

There is some misapprehension, on this point, as *Massachusetts* appointed no committee of correspondence, at that time.

The answer given by this colony to the communication from Virginia in *Mar.* 1773, (see p. 62. note 2.) seems decisive that the merit of this measure at that time belongs wholly to Virginia.

The material error however which Mr. Wirt appears to have fallen into is, the allegation that the house of burgesses at that time (*May, 1773*) "had the merit of originating" that powerful engine of resistance, corresponding committees between the legislatures of the different colonies."

It appears that after the repeal of the act of 1767, (*Ap.* 1770) the non-importation agreements ceased, except in the article of "tea." That a general spirit of acquiescence in existing relations with England prevailed; yet less so in *Massachusetts* than in other colonies, for obvious reasons; they distrusted England and had suffered most. Therefore [*Nov. 7.*] in the same year that the act was repealed, the assembly appointed a COMMITTEE OF "CONTINENTAL CORRESPONDENCE." In the words of Mr. Gordon 1 vol. p. 202. "They appointed a committee of correspondence to communicate intelligence to the agents and others in Great Britain, and to the speakers of the several assemblies through the continent, or such committees as they have appointed or may appoint."

"Ch. just. Marshall, in his history confirms this; see p. 53 ante, after date of *Nov. 6.* The tract there is from this author; he assigns no date, but the context shows it should be *Nov.* 1770. This is the origin of a continental committee.

At a later date, *Nov. 2. 1772.*—great commotions prevailed, relative to the new instructions

APPENDIX—Part 1st.—*Miscellaneous. (Boston. Tea, Port act. 1773.)*

given for supporting the governors, and judges of the superior courts in the colonies, by salaries to be fixed and paid by the crown, from the British revenues, rendering them still more than ever under ministerial influence. At this crisis, which created little less disturbance than the duties of 1767; a great committee was appointed in Boston, whose names are given at *No 13 supra*, but this institution seems to have been intended, for operations in that colony. see p. 54. *ante*.

No. 16. 1773. *Boston. Tea, &c. p. 62.*

The destruction of the Tea at Boston, is stated to be "Dec. 18." 1773 on the authority of *North's administration*: and History of the war in America, (*British authors*): *Marshall, and Ramsay, Burk, Warren, Holmes &c.* assign no particular date to this transaction: *Gordon* states it to have been "Nov. 16." which is doubtless an error of the press.

The following facts relative to this transaction, are extracted from *Gordon*. "The speech of *Josiah Quincy jun. Esq.* (mentioned in p. 62,) was delivered by him at the Old South meeting house, in the afternoon; the assemblage of persons from town and country amounting to several thousands; after which, about 3 o'clock the question is put, "Will you abide by your former resolution with respect to not suffering the tea to be landed?" It passes in the affirmative, *nem. con.*

"Mr. *Rotch* is ordered to make a protest, and procure a pass for his vessel. He waits upon the governor at Milton, who offers to give him a letter to the admiral for protection, which he declines, fearing in that case the rage of the people, and being in no concern about his ship, as that is not the object of resentment, but the tea. He intimates to the governor, that some of the leaders of the people wish the ship to go down and be stopped at the castle, 'for then they will be rid of the affair, and may say they have done all in their power.' While Mr. *Rotch* is absent, the speakers in the meeting keep the people together, by engaging their attention till he returns, which is before six o'clock, when he informs the body, that upon applying to the governor for a pass, he received for answer, 'I cannot give you a pass consistent with the laws and my duty to my king, unless the vessel is properly qualified from the custom-house.'—Upon this there is a great deal of disputing, when a person disguised like an Indian, gives the war-whoop in the front gallery, where there are few if any besides himself. Upon this signal it is moved and voted, that the meeting be immediately dissolved.—The people crowd out, and run in numbers to *Griffin's wharf*. At the same instant a number of persons, chiefly masters of vessels and ship-builders from the north end of the town, about seventeen, though judged to be many more as they run along, cross *Fort Hill*, dressed as Indians, and repair to the tea ships; and in about two hours hoist out of them and break open 342 chests of tea, and discharge their contents into the salt water. They are not in the least molested. The multitude of spectators upon and about the wharf, serve as a covering party. The whole business is conducted with little tumult, and no damage done to the vessels or any other property; when finished, the people return quietly to their own towns and habitations."

In a late account I have seen, under the title of "Reminiscences" at Boston; *Jona. Williams* is said to have been the "moderator" at old south meeting, and that not less than 60 persons were employed in the act of destroying the tea. This discrepancy of dates, and contradictions in matters of fact, are circumstances scarcely worth notice in any place. They are mentioned here merely as a proof of the difficulty there is in obtaining, even at this recent stage from their origin, correct information of many occurrences.

Down to the period of revolutionary events in the colonies, there seems to be no essential defect in the chronology of our history; but since then, there is a lamentable inattention to this by many of our annalists.

No. 17. 1774. *Boston Port act, &c. Virginia proceedings, p. 91.*

The distinguished part taken by this colony in opposition to the first revenue, or "sugar act," of 1764, the *Stamp act* in 1765, and the subsequent act of 1767, called the glass act, &c. until its repeal in 1770, has been shown in the body of these notes, and in preceding numbers of this appendix.

From the last period [1770.] until the passage of the "Boston port act," *Mar. 31, 1774*, I have taken no further notice of revolutionary transactions in Virginia, than will be seen *supra*, No. 16. relative to the appointment in 1773, of a grand "COMMITTEE of continental correspondence."

The destruction of the tea, and consequent proceedings of the British parliament, immediately upon receiving intelligence of it in the spring of 1774, opened another of the most important scenes which had yet occurred, for displaying the patriotism and energies of this great and leading provincial government.

The question now was, whether *Massachusetts* should be left to her fate; or the other colonies, who had hitherto maintained the same great principles of constitutional liberty, which had brought the province to the brink of subjection and ruin, would now stand forth, and make her case "a *thanos cause*," and oppose their united councils, strength and courage, for the preservation of *Am.*

APPENDIX—Part 1st.—Miscellaneous. (*Virginia proceedings, 1774.*)

the common liberties of America; or shrink from the contest, and avail themselves of the advantages of making separate terms of accommodation, with an enraged and powerful monarchy.

The Virginia house of burgesses was in session at *Williamsburgh* in *May*, when the *Boston port act* arrived; and the first assembly which took it under consideration:

They immediately came to the following DECLARATION: (1)

“Tuesday, the 24th of May, 14 Geo. III. 1774.

THIS HOUSE being deeply impressed with apprehension of the great dangers to be derived to British America, from the hostile invasion of the city of Boston, in our sister colony of Massachusetts bay, whose commerce and harbour are, on the first day of *June* next, to be stopped by an armed force, deem it highly necessary: that the said first day of *June* next be set apart by the members of this house, as a day of fasting, humiliation, and prayer; devoutly to implore the Divine interposition, for averting the heavy calamity which threatens destruction to our civil rights, and the evils of civil war; to give us one heart and one mind, firmly to oppose, by all just and proper means, every injury to American rights; and that the minds of his majesty and his parliament may be inspired from above with wisdom, moderation, and justice, to remove from the loyal people of America all cause of danger, from a continued pursuit of measures pregnant with their ruin.

“Ordered therefore, That the members of this house do attend in their places, at the hour of ten in the forenoon, on the said first day of *June* next, in order to proceed with the speaker and the mace to the church in this city, for the purposes aforesaid; and that the reverend Mr. *Price* be appointed to read prayers, and to preach a sermon suitable to the occasion.”

“In consequence of this order, governor *Dunmore* (2) on the following day, dissolved the house, with this speech:

“Mr. *Speaker* and gentlemen of the house of burgesses: I have in my hand a paper published by order of your house, conceived in such terms as reflect highly upon his majesty and the parliament of Great Britain, which makes it necessary to dissolve you, and you are dissolved accordingly.”

“The members immediately withdrew to the *Raleigh* tavern, where they formed themselves into a committee, to consider of the most expedient and necessary measures, to guard against the encroachments which so glaringly threatened them; and immediately adopted the following spirited association.

“An association, signed by 89 members of the late house of burgesses. We, his majesty’s most dutiful and loyal subjects, the late representatives of the good people of this colony, having been deprived, by the sudden interposition of the executive part of this government, from giving our countrymen the advice we wished to convey to them, in a legislative capacity, find ourselves under the hard necessity of adopting this, the only method we have left, of pointing out to our countrymen such measures as, in our opinion, are best fitted to secure our dear rights and liberty from destruction, by the heavy hand of power now lifted against North America. With much grief we find, that our dutiful applications to Great Britain, for the security of our just, ancient, and constitutional rights, have been not only disregarded, but that a determined system is formed and pressed, for reducing the inhabitants of British America to slavery, by subjecting them to the payment of taxes, imposed without the consent of the people or their representatives; and that, in pursuit of this system, we find an act of the British parliament lately passed, for stopping the harbour and commerce of the town of Boston, in our sister colony of Massachusetts bay, until the people there submit to the payment of such unconstitutional taxes; and which act most violently and arbitrarily deprives them of their property, in wharves erected by private persons, at their own great and proper expense; which act is, in our opinion, a most dangerous attempt to destroy the constitutional liberty and rights of all North America. It is further our opinion, that as tea, on its importation into America, is charged with a duty imposed by parliament, for the purpose of raising a revenue, without the consent of the people, it ought not to be used by any person who wishes well to the constitutional rights and liberties of British America. And whereas the India company have ungenerously attempted the ruin of America, by sending many ships loaded with tea into the colonies, thereby intending to fix a precedent in favour of arbitrary taxation, we deem it highly proper, and do accordingly recommend it strongly to our countrymen, not to purchase or use any kind of East India commodity whatsoever, except saltpetre and spices, until the grievances of America are redressed. We are further clearly of opinion, that an attack made on one of our sister colonies, to compel submission to arbitrary taxes, is an attack made on all British America, and threatens ruin to the rights of all, unless the united wisdom of the whole be applied. And for this purpose it is recommended to the committee of correspondence, that they communicate with their several corresponding committees, on the expediency of appointing deputies from the several colonies of British America, to meet in general congress, at such place, annually, as shall be thought most convenient; there to deliberate on those general measures, which the united interests of America may from time to time require.

“A tender regard for the interest of our fellow subjects, the merchants and manufacturers in Great Britain, prevents us from going further at this time; most earnestly hoping, that the fair

(1) See p. 91, in which this transaction is shortly stated; but the date omitted.

(2) He succeeded lord Botetourt, and arrived in 1772.

APPENDIX—Part 1st.—Miscellaneous. (*Virginia proceedings, 1774.*)

constitutional principle of taxing the colonies without their consent will not be persisted in, thereby to compel us, against our will, to avoid all commercial intercourse with Britain. Wishing them and our people free and happy, we are their affectionate friends, the late representatives of Virginia."

"The 27th day of May, 1774."

"To give effect to the recommendation of a congress on the part of this colony, delegates were shortly after elected by the several counties, to meet at the city of *Williamsburgh* on the first of August following, to consider further of the state of publick affairs, and, more particularly, to appoint deputies to the general congress, which was to be convened at Philadelphia on the 5th of September following. The clear, firm, and animated instructions given by the people of the several counties to their delegates, evince the thorough knowledge of the great parliamentary question which now pervaded the country, and the determined spirit of the colonists to resist the claims of British taxation. (1)

(1) *The following are the instructions from the county of HANOVER.*

To JOHN SYME and PATRICK HENRY, junior, esquires.

"GENTLEMEN,

"You have our thanks for your patriotick, faithful, and spirited conduct, in the part you acted in the late assembly, as our burgresses; and as we are greatly alarmed at the proceedings of the British parliament respecting the town of Boston, and the province of Massachusetts bay; and as we understand a meeting of delegates from all the counties in this colony, is appointed to be in *Williamsburgh* on the first day of next month, to deliberate on our publick affairs, we do hereby appoint you, gentlemen, our delegates; and we do request you, then and there, to meet, consult, and advise, touching such matters as are most likely to effect our deliverance, from the evils with which our country is threatened.

"The importance of those things which will offer themselves for your deliberation, is exceedingly great; and when it is considered that the effect of the measures you may adopt will reach our latest posterity, you will excuse us for giving you our sentiments, and pointing out some particulars, proper for that plan of conduct we wish you to observe.

"We are freemen; we have a right to be so; and to enjoy all the privileges and immunities of our fellow subjects in England; and while we retain a just sense of that freedom, and those rights and privileges necessary for its safety and security, we shall never give up the right of taxation. Let it suffice to say, once for all, we will never be taxed but by our own representatives; this is the great badge of freedom, and British America hath hitherto been distinguished by it; and when we see the British parliament trampling upon that right, and acting with determined resolution to destroy it, we would wish to see the united wisdom and fortitude of America collected for its defence.

"The sphere of life in which we move, hath not afforded us lights sufficient to determine with certainty, concerning those things from which the troubles at Boston originated. Whether the people there were warranted by justice, when they destroyed the tea, we know not; but this we know, that the parliament, by their proceedings, have made us and all North America parties in the present dispute, and deeply interested in the event of it; inasmuch that if our sister colony of Massachusetts bay is enslaved, we cannot long remain free.

"Our minds are filled with anxiety, when we view the friendly regards of our parent state turned into enmity; and those powers of government, formerly exerted for our aid and protection, formed into dangerous efforts for our destruction. We read our intended doom in the Boston port bill, in that for altering the mode of trial in criminal cases, and finally, in the bill for altering the form of government in the Massachusetts bay. These several acts are replete with injustice and oppression, and strongly expressive of the future policy of Britain towards all her colonies; if a full and uncontroled operation is given to this detestable system in its earlier stages, it will probably be fixed upon us forever.

"Let it, therefore, be your great object to obtain a speedy repeal of those acts; and for this purpose we recommend the adoption of such measures, as may produce the hearty union of all our countrymen and sister colonies. UNITED WE STAND, DIVIDED WE FALL.

"To attain this wished-for union, we declare our readiness to sacrifice any lesser interest, arising from a soil, climate, situation, or productions peculiar to us.

"We judge it conducive to the interests of America, that a general congress of deputies from all the colonies be held, in order to form a plan for guarding the claim of the colonists, and their constitutional rights, from future encroachment; and for the speedy relief of our suffering brethren at Boston. For the present, we think it proper to form a general association, against the purchase of all articles of goods imported from Great Britain except negroes' cloths, salt, salt-hitre, powder, lead, utensils and implements for handycraftsmen, and manufacturers, which may not be had in America; books, paper, and the like necessities; and not to purchase any goods or merchandise that shall be imported from Great Britain, after a certain day that may be agreed therefor that purpose, by the said general meeting of deputies at *Williamsburgh*, except the articles *Ansaid*, or such as shall be allowed to be imported by the said meeting; and that we will encou-

APPENDIX—Part 1st.—*Miscellaneous. (Virginia convention, 1774.)*

"On the first of August, accordingly, the first convention of Virginia delegates assembled in Williamsburgh; (1) and gave a new proof of the invincible energy by which they were actuated, in a series of resolutions, whereby they pledged themselves to make common cause with the people of Boston in every extremity; and broke off all commercial connexion with the mother country, until the grievances of which they complained should be redressed. By their last resolution they empowered their moderator, Mr. Peyton Randolph, or in case of his death, Robert C. Nicholas, esquire, on any future occasion that might in his opinion require it, to convene the several delegates of the colony, at such time and place as he might judge proper.

"They then appointed as deputies to congress on the part of this colony, Messrs. Peyton Randolph, Richard H. Lee, George Washington, Patrick Henry, Richard Bland, Benjamin Harrison, and Edmund Pendleton, and furnished them with the following firm and spirited letter of instructions:

"INSTRUCTIONS for the deputies appointed to meet in general congress, on the part of the colony of Virginia.

"The unhappy disputes between Great Britain and her American colonies, which began about the third year of the reign of his present majesty, and since continually increasing; have proceeded to lengths so dangerous and alarming, as to excite just apprehensions in the minds of his majesty's faithful subjects of the colony, that they are in danger of being deprived of their natural, ancient, constitutional, and chartered rights, have compelled them to take the same into their most serious consideration; and being deprived of their usual and accustomed mode of making known their grievances, have appointed us their representatives, to consider what is proper to be done in this dangerous crisis of American affairs. It being our opinion, that the united wisdom of North America should be collected in a general congress of all the colonies, we have appointed the honourable Peyton Randolph, esq. Richard Henry Lee, George Washington, Patrick Henry, Richard Bland, Benjamin Harrison, and Edmund Pendleton, esquires, deputies to represent this colony in the said congress, to be held at Philadelphia on the first Monday in September next. And that they may be the better informed of our sentiments touching the conduct we wish them to observe on this important occasion, we desire that they will express, in the first place, our faith and true allegiance to his majesty king George the third, our lawful and rightful sovereign; and that we are determined, with our lives and fortunes, to support him in the legal exercise of all his just rights and prerogatives. And, however misrepresented, we sincerely approve of a constitutional connexion with Great Britain, and wish most ardently a return of that intercourse of affection and commercial connexion, that formerly united both countries; which can only be effected by a removal of those causes of discontent, which have of late unhappily divided us.

"It cannot admit of a doubt, that British subjects in America are entitled, to the same rights and privileges as their fellow-subjects possess in Britain; and therefore, that the power assumed by the British parliament to bind America by their statutes, in all cases whatsoever, is unconstitutional, and the source of these unhappy differences.

"The end of government would be defeated, by the British parliament exercising a power over the lives, the property, and the liberty of American subjects; who are not, and from their local circumstances cannot, be there represented. Of this nature, we consider the several acts of parliament for raising a revenue in America, for extending the jurisdiction of the courts of admiralty, for seizing American subjects and transporting them to Britain, to be tried for crimes committed in America, and the several late oppressive acts respecting the town of Boston, and province of Massachusetts bay.

(1) p. 105.

rage the manufactures of America by every means in our power. A regard to justice hinders us at this time from withholding our exports; nothing but the direst necessity shall induce us to adopt that proceeding, which we shall strive to avoid as long as possible.

"The African trade for slaves, we consider as most dangerous to the virtue and welfare of this country; we therefore most earnestly wish to see it totally discouraged.

"A steady loyalty to the kings of England has ever distinguished our country; the present state of things here, as well as the many instances of it to be found in our history, leave no room to doubt it. God grant that we may never see the time, when that loyalty shall be found incompatible with the rights of freemen. Our most ardent desire is, that we and our latest posterity may continue to live under the genuine, unaltered, constitution of England, and be subjects, in the true spirit of that constitution, to his majesty and his illustrious house; and may the wretches who affirm that we desire the contrary, feel the punishment due to falsehood and villainy.

"While prudence and moderation shall guide your councils, we trust, gentlemen, that firmness, resolution, and zeal, will animate you in the glorious struggle. The arm of power, which is now stretched forth against us, is indeed formidable; but we do not despair. Our cause is good; and if it is served with constancy and fidelity, it cannot fail of success. We promise you our best support, and we will heartily join in such measures as, a majority of our countrymen shall adopt for securing the public liberty.

"RESOLVED, That the above address be transmitted to the printers, to be published in their gazettes.

WILLIAM POLLARD, Cler

APPENDIX—Part 1st.—Miscellaneous. (*Virginia convention, 1774.*)

"The original constitution of the American colonies, possessing their assemblies with the sole right of directing their internal polity; it is absolutely destructive of the end of their institution, that their legislatures should be suspended, or prevented by hasty dissolutions, from exercising their legislative powers."

"Wanting the protection of Britain, we have long acquiesced in their acts of navigation, restrictive of our commerce, which we consider as an ample recompense for such protection; but as those acts derive their efficacy from that foundation alone, we have reason to expect they will be restrained, so as to produce the reasonable purposes of Britain, and not be injurious to us."

"To obtain redress of these grievances, without which the people of America can neither be safe, free, nor happy; they are willing to undergo the great inconvenience that will be derived to them, from stopping all imports whatsoever from Great Britain, after the first day of November next, and also to cease exporting any commodity whatsoever to the same place, after the 10th day of August 1775. The earnest desire we have to make as quick and full payment as possible of our debts to Great Britain, and to avoid the heavy injury that would arise to this country from an earlier adoption of the non-exportation plan, after the people have already applied so much of their labour to the perfecting of the present crop, by which means they have been prevented from pursuing other methods of clothing and supporting their families, have rendered it necessary to restrain you in this article of non-exportation; but it is our desire that you cordially co-operate with our sister colonies in general congress, in such other just and proper methods as they, or the majority, shall deem necessary for the accomplishment of these valuable ends."

"The proclamation issued by general Gage, in the government of the province of the Massachusetts bay, declaring it treason for the inhabitants of that province to assemble themselves to consider of their grievances, and form associations for their common conduct on the occasion, and requiring the civil magistrates and officers to apprehend all such persons, to be tried for their supposed offences, is the most alarming process that ever appeared in a British government; the said general Gage has thereby assumed and taken upon himself, powers denied by the constitution to our legal sovereign; he not having condescended to disclose by what authority he exercises such extensive and unheard of powers, we are at a loss to determine whether he intends to justify himself as the representative of the king, or as the commander in chief of his majesty's forces in America. If he considers himself as acting in the character of his majesty's representative, we would remind him that the statute, 25th Edward III, has expressed and defined all treasonable offences, and that the legislature of Great Britain hath declared that no offence shall be construed to be treason, but such as is pointed out by that statute; and that this was done to take out of the hands of tyrannical kings, and of weak and wicked ministers, that deadly weapon which constructive treason had furnished them with, and which had drawn the blood of the best and honestest men in the kingdom; and that the king of Great Britain hath no right, by his proclamation to subject his people to imprisonment, pains, and penalties."

"That if the said general Gage conceives he is empowered to act in this manner, as the commander in chief of his majesty's forces in America, this odious and illegal proclamation must be considered as a plain and full declaration, that this despotick viceroy will be bound by no law, nor regard the constitutional rights of his majesty's subjects, whenever they interfere with the plan he has formed for oppressing the good people of the Massachusetts bay; and therefore, that the executing, or attempting to execute, such proclamation, will justify resistance and reprisal." (1) *Wirt*.

No. 18. 1774. *Suffolk Co. Meeting. Gen. Gage's answer.* p. 110.

At p. 110, is the address of the *Suffolk County* meeting to Gen. Gage, *Sep. 9, 1774.* on the subject of fortifying Boston-neck; his answer is not stated in the report of those proceedings laid before congress, *Oct. 17.* it is here inserted. The address was presented by the committee, on monday, *Sep. 12.* to which he replied as follows:

"That he had no intention to prevent the free egress and regress of any person to and from the town of Boston; that he would suffer none under his command to injure the person or property of any of his majesty's subjects; but that it was his duty to preserve the peace, and to prevent surprise; and that no use would be made of the cannon, unless their hostile proceedings should render it necessary."

No. 19. 1774. *First Congress. Characters.* p. 120.

It is observed in the note, p. 120, that the "address to the people of Great-Britain," commencing at that page, was attributed to Mr. Jay. And at p. 136, that "the original composition of a Petition to the King," was attributed to Mr. Lee.

In Mr. Wirt's "life of Patrick Henry," it is stated, that Mr. Henry was designated by the committee to draw up the petition to the King; and Mr. Lee, (Richard Henry,) charged with his address to the people of Great-Britain.

As the "address to the people of Great-Britain" is, however, ascribed by both of these authors to John Adams.

APPENDIX—Part 1st.—Miscellaneous. (First Congress. Characters. 1774.)

Mr. Jay; and the "petition to the King," is shown by Mr. Wirt, to belong wholly to John Dickinson, and not to Mr. Lee, as supposed by Mr. Marshall in the note, at p. 136. *ante*.

The explanation on this point, is to be found at page 108 of Mr. Wirt. The author had previously described the distinguished part taken by Mr. Lee and Mr. Henry, at the opening of the first congress, (Sep. 1774.) Their powers in debate and irresistible eloquence, are finely, and no doubt truly represented; but after concluding a very glowing panegyrick, on the astonishing display and effect, of their reasoning and oratory on the floor of congress, and which tended so much in the outset of their deliberations, to inspire it with fortitude and animate all their subsequent resolutions; he immediately afterwards, p. 108, Sec. IV. proceeds thus: "It is due however to historick truth to record, that the superior powers of these great men, were manifested only in debate. On the floor of the house, and during the first days of the session, while general grievances were the topick, they took the undisputed lead in the assembly, and were confessedly, *primi inter pares*. But when called down from the heights of declamation, to that severer test of intellectual excellence, the details of business, they found themselves in a body of coolheaded, reflecting, and most able men, by whom they were, in their turn, completely thrown into the shade.

"A petition to the king, an address to the people of Great-Britain, and a memorial to the people of British America, were agreed to be drawn. Mr. Lee, Mr. Henry and others, were appointed for the first; Mr. Lee, Mr. Livingston, and Mr. Jay, for the two last. The splendour of their *debut* occasioned Mr. Henry to be designated, by his committee, to draw the petition to the king, with which they were charged; and Mr. Lee was charged with the address to the people of England. The last was first reported. On reading it, great disappointment was expressed in every countenance, and a dead silence ensued for some minutes. At length it was laid on the table, for perusal and consideration, till the next day: when first one member and then another arose, and paying some faint compliment to the composition, observed that there were still certain considerations not expressed, which should properly find a place in it. The address was therefore committed for amendment, and one prepared by Mr. Jay, and offered by governor Livingston, was reported and adopted with scarcely an alteration. These facts are stated by a gentleman to whom they were communicated by Mr. Pendleton and Mr. Harrison, of the Virginia delegation, (except that Mr. Harrison erroneously ascribed the draught to governor Livingston,) and to whom they were afterwards confirmed by governor Livingston himself. Mr. Henry's draught of a petition to the king was equally unsuccessful, and was committed for amendment. Mr. John Dickinson (the author of the Farmer's Letters) was added to the committee, and a new draught prepared by him was adopted. (1)

(1) "The late governor Tyler, a warm friend of Mr. Henry's, used to relate an anecdote in strict accordance with this statement: it was, that after Mr. Henry and Mr. Lee, had made their first speeches, Mr. Chase, a delegate from Maryland, walked across the house to the seat of his colleague, and said to him, in an under voice—"We might as well go home: we are not able to legislate with these men." But that after the house came to descend to details, the same Mr. Chase was heard to remark, "Well, after all, I find these are but men—and in mere matters of business, but very common men."

Mr. Wirt gives the following description of the opening of the 1st congress, Sep. 5, 1774. "On the fifth of September, 1774, that venerable body, the "OLD CONTINENTAL CONGRESS" of the United States, (towards whom every American heart will bow with pious homage, while the name of liberty shall be dear in our land) met for the first time at Carpenter's Hall, in the city of Philadelphia. Peyton Randolph of Virginia was chosen president, and the house was organized for business, with all the solemnities of a regular legislature. (1)

"The most eminent men of the various colonies were now, for the first time, brought together. They were known to each other by fame; but they were personally strangers. The meeting was awfully solemn. The object which had called them together was of incalculable magnitude. The

(1) Sallust, in his second oration to C. Cæsar, *De Republica Ordinanda*, gives a short and animated picture of their Roman ancestors, which, with the change of a single word, (*libertate* for *imperio*,) describes so happily our old continental congress, that I am sure I shall gratify the classical reader by its insertion.

"Itaque majores nostri, cum bellis asperimis premerentur, equis, viris, pecunia amissa, nunquam defessi sunt armati de libertate certare. Non inopia ærarii, non vis hostium, non adversa res, ingentem eorum unum subegit. Quin; quæ virtute ceperant, simul cum animo retinere. Atque ea, magis fortibus consiliis, quam bonis præliis, patrata sunt. Quippe apud illos, una respublica erat; ei consulebant; factio contra hostes parabatur; corpus atque ingenium, patriæ, non suæ quisque potentia exercitabat."—TRANSLATED.—

Thus our ancestors oppressed with all the severities of war; destitute of Infantry, of Cavalry and Money; having armed themselves in the glorious cause of LIBERTY, contended with unceasing fortitude: neither the want of a Treasury, nor the power of the Enemy, nor even diversity itself, could unman their courageous hearts. Whatsoever their valour had acquired, they maintained at the peril of life itself. Yet their achievements were more the reward of wise and resolute councils, than owing to fortunate or illustrious battles: the commonwealth alone, absorbed every mind, and its safety, the end of all their deliberations. One party only existed—the air defenders of the republic: each citizen discarded all selfish designs, and employed every faculty of mind and body for his country.

APPENDIX—Part 1st.—Miscellaneous.

No. 20. *Petition to the King.* p. 140. 198. 1774—5.

It is said at these pages, that the “Petition to the King was not permitted to reach the throne.” By this was intended, that it was refused to be received as a “petition from Congress through their agents appointed to deliver it.”

Petitions to the King from publick bodies, are delivered into his hands, by the petitioners or their substitute. This, where no proper objection exists, is of right, and an answer, favourable or unfavourable, equally of right: but the King may refuse to receive a petition; and in this case he *did* refuse, but referred it to the Lords and Commons. Congress did not petition either of those bodies; it was the King, in his regal capacity and as their sovereign, before whom they laid their grievances; Congress would not, after what the two houses of parliament had done, petition them; they addressed the King and he gave no answer, but referred over their petition to him, to those very estates of the kingdom, whose acts and designs were the subjects of complaint.

It will be seen p. 139, that Congress had appointed *Paul Wentworth*, esq. Doctor *Benj. Franklin*, *Wm. Bollan*, Doctor *Arthur Lee*, *Thomas Lifo*, *Edmund Burke*, and *Charles Garth*, esqs. “for and in their behalf, to deliver the petition into the hands of his majesty.”

The King refused to receive it from their hands; for the reason stated by the writer of *North's Admn.* p. 151 in note.

The agents after the christmas recess, viz. Jan. 26, 1775, learning that the petition was among other American papers before the house of commons, petitioned to be heard before the house in support of it, but the house refused to receive their petition to be heard upon it, by a vote of 218 to 68. p. 151, 2 (1)

Dr. *Ramsay* states the facts in this way, “Soon after the meeting of the new parliament, the proceedings of the congress reached Great-Britain. The first impression made by them was in favour of America. Administration seemed to be staggered, and their opposers triumphed, in the eventual truth of their prediction, that an universal confederacy to resist Great-Britain, would be the consequence of the late American acts. The secretary of state, after a day's perusal, during which a council was held, said, that the petition of congress to the king, was a decent and proper one. He also cheerfully undertook to present it, and afterwards reported, that his majesty was pleased very graciously to receive it, and to promise to lay it before his two houses of parliament. From these favorable circumstances, the sanguine friends of America concluded, that it was intended to make the petition the foundation of a change of measures; but these hopes were of short duration.”

The amount of this is, that the petition was delivered unofficially by lord *Dartmouth*, secretary for the colonial department, to the King, as a private paper; which he “promised to lay before parliament: he would not condescend to notice it himself, in his legal capacity.

(1) The account given of this transaction by Mr. *Bollan*, Dr. *Franklin*, and *Arthur Lee*, three of the agents to the 2nd congress in their letter, Feb. 5, 1775, is as follows: “Our last letter informed you, that the King had declared his intentions of laying the Petition before his two houses of parliament. It has accordingly been laid before each house, but undistinguished among a variety of letters and other papers from America.

“As soon as we learnt that the Petition of the congress was before the house of commons, we thought it our duty to support it, if we might be permitted so to do, as there was no other opportunity for the numerous inhabitants of the colonies to be heard, in defence of their rights: accordingly we joined in a petition for that purpose. Sir *George Saville* kindly undertook to present it. But on previously opening the purport of it, as the order is, a debate arose on the propriety of receiving it, and on a division, it was rejected by a great majority.” 1 Jour. Cong. p. 79.

liberties of no less than three millions of people, with that of all their posterity, were staked on the wisdom and energy of their councils. No wonder, then, at the long and deep silence which is said to have followed upon their organization; at the anxiety with which the members looked around upon each other; and the reluctance which every individual felt to open a business so fearfully momentous. In the midst of this deep and death-like silence, and just when it was beginning to become painfully embarrassing, Mr. *Henry* arose slowly, as if borne down by the weight of the subject. After flustering, according to his habit, through a most impressive exordium, in which he merely echoed back the consciousness of every other heart, in deploring his inability to do justice to the occasion, he launched, gradually, into a recital of the colonial wrongs. Rising, as he advanced, with the grandeur of his subject, and glowing at length with all the majesty and expectation of the occasion, his speech seemed more than that of mortal man. Even those who had heard him in all his glory, in the house of burgesses of Virginia, were astonished at the manner in which his talents seemed to swell and expand themselves, to fill the vast theatre in which he was now placed. There was no rant—no rhapsody—no labour of the understanding—no straining of the voice—no confusion of the utterance. His countenance was erect—his eye steady—his action noble—his enunciation clear and firm—his mind poised on its centre—his views of his subject comprehensive and great—and his imagination, corruscating with a magnificence and a variety, which struck even that assembly with amazement and awe. He sat down amidst murmurs of astonishment and applause; and as he had been before proclaimed the greatest orator of Virginia, he was now, on every hand, admitted to be the first orator of America.”

APPENDIX—Part 1st.—*Miscellaneous. (Petition to the King, 1774—5. &c.)*

The fact was, that when it first arrived in Dec. the cabinet were not resolved on their measures; the proceedings in congress had staggered ministers: the petition was therefore treated respectfully in a private way, to avoid offence and leave room for its becoming a basis of peace. But as soon as parliament met again after the holidays, [Jan. 20.] and there appeared a perfect disposition in that body and the nation, to proceed to extremities; the petition was not called up in the house of commons; and the application of the agents to be *heard* in support of it, was contemptuously rejected, on the ground that "it would be giving to that illegal body (Congress,) some degree of countenance."

No. 21. 1775, Mar. *Protest of Lords to 1st fishery bill.* p. 161.

At p. 161, it is mentioned, that a *Protest* was signed in the house of Lords against the first restraining, (or Fishery) bill; it is drawn up with great force: among other severe strictures on the bill, the protesting Lords observe, "that it is one of those unhappy inventions, to which parliament is driven by the difficulties that daily multiply upon them, from an obstinate adherence to an unwise system of government. They say, "that government which attempts to preserve its authority by destroying the trade of its subjects, and by involving the innocent and guilty in a common ruin, if it acts from a choice of such means, confesses itself unworthy; if from inability to find any other, admits itself wholly incompetent to the end of its institution." They severely censure the attempt made to bribe the nation into an acquiescence in this arbitrary act, by holding out to them, as a temptation for that purpose, the spoils of the New-England fishery; this they represent "to be a scheme full of weakness and indecency; of indecency, because it may be suspected that the desire of the confiscation has created the guilt; and of weakness, because it supposes, that whatever is taken from the colonies, is of course to be transferred to ourselves."

No. 22. *Virginia Proceedings, Mar. 20, 1775.*

After the rising of the first congress, Oct. 26, 1774, and in the interval between that, and May 10, 1775, proposed for a meeting of the 2nd congress, if American grievances should not be redressed, the several colonies (Georgia excepted,) proceeded to make their appointments for the 2nd congress; some earlier and some later, as will appear in the subsequent notes.

The Virginia convention, which chose the delegates to the first congress, were not summoned again until Mar. 20, 1775, when they met a second time in the city of *Richmond*, to appoint delegates to the ensuing congress, and take under consideration what else might be expedient.

At this meeting, it was unknown what would be the issue of things in Great-Britain. Even rumours of the grand penal bills against the fisheries, and trade of the colonies, brought into parliament in Feb. and other hostile measures, then preparing to burst upon the colonies, had not been heard on this side of the Atlantick. Sanguine opinions, at least consoling hopes, were yet entertained in America, that the event would be happy, and the first spring ships bear the pleasing tidings, that the *petition* of the preceding congress, and the prayers of all America had prevailed.

It was two days after this convention met that Mr. *Burke*, not yet hopeless of *peace*, made his motion in the house of commons for "*reconciliation*," supported by a speech which has no parallel perhaps, in any single effort of the human mind, on a similar occasion. (See p. 162.)

Gen. *Gage* and his forces in Boston, were quiet in their quarters, not a drop of blood had yet been shed, during this long and agitated period of civil discontents on either side, on the points in controversy.

Yet these propitious circumstances, and the hopes of peace, founded on the great *continental* *appeal* which had been made to the King, the Parliament, and the people of England in October; did not for a moment lull the vigilance, or relax the efforts of the patriots and people of that day. They had made up their minds to "*stand by the first congress*," and on the ground then taken, and every hour after it rose, was employed in *preparation* for the worst that might happen, from the folly or vengeance of the British nation.

The proceedings of *Virginia* at this period, and under these circumstances, will exhibit the temper and determination of the whole people: in every colony similar sentiments prevailed, and like preparations for the sad appeal to arms were going forward.

I have therefore given at large, what was done in the convention of *Richmond* at this time, as affording not only a correct view of the spirit and virtue of *Virginia*, but as a fair example of what was acting in almost every quarter of the thirteen colonies.

I have taken the liberty to extract the proceedings of the convention, from Mr. *Wirt's* life of *Patrick Henry*: the author's enthusiasm for the highly gifted object of his panegyrick, and the incidents which he connects with the account, will certainly not diminish the gratification of the reader, and it would be unjust to garble what he has thought proper to record. It is the last exhibition which I shall make of any local declarations and proceedings, relative to legal or political questions between England and America; the predictions and warnings of Mr. *Henry* were soon realized, the BATTLE of *LEXINGTON* took place within a month after this convention met, and arms alone, became from that day, the only arguments and arbiter between the colonies and the parent country.

APPENDIX—Part 1st.—Miscellaneous. (2d Virginia Convention.)

Second Virginia Convention. March 20, 1775.

"ON MONDAY the 20th of March, 1775, the convention of delegates from the several counties and corporations of Virginia, met for the second time. This assembly was held in the old church in the town of *Richmond*. Mr. Henry was a member of that body also. The reader will bear in mind the tone of the instructions given by the convention of the preceding year to their deputies in congress. He will remember, that, while they recite with great feeling the series of grievances under which the colonies had laboured, and insist with firmness on their constitutional rights; they give, nevertheless, the most explicit and solemn pledge of their faith and true allegiance to his majesty king George the III, and avow their determination to support him with their lives and fortunes, in the legal exercise of all his just rights and prerogatives. He will remember, that these instructions contain also, an expression of their sincere approbation of a connexion with Great-Britain, and of their ardent wishes for a return of that friendly intercourse, from which this country had derived so much prosperity and happiness. These sentiments still influenced many of the leading members of the convention of 1775. They could not part with the fond hope, that those peaceful days would again return, which had shed so much light and warmth over the land; and the report of the king's gracious reception of the petition from congress, tended to cherish and foster that hope, and to render them averse to any measure of violence. But Mr. Henry saw things with a steadier eye and a deeper insight. His judgment was too solid to be duped by appearances; and his heart too firm and manly to be amused by false and flattering hopes. He had long since read the true character of the British court; and saw that no alternative remained for his country, but abject submission or heroick resistance. It was not for a soul like Henry's to hesitate between these courses. He had offered upon the altar of liberty no divided heart. The gulf of war which yawned before him, was indeed fiery and fearful; but he saw that the awful plunge was inevitable. The body of the convention however hesitated. They cast around "a longing lingering look" on those flowery fields, on which peace, and ease, and joy, were still sporting; and it required all the energies of a Mentor like Henry to push them from the precipice, and conduct them over the stormy sea of the revolution, to liberty and glory.

"The convention being formed and organized for business, proceeded, in the first place, to express their unqualified approbation of the measures of congress, and to declare that they considered 'this whole continent as under the highest obligations to that respectable body, for the wisdom of their councils, and their unremitting endeavours to maintain and preserve inviolate, the just rights and liberties of his majesty's dutiful and loyal subjects in America.'

"They next resolve, that 'the warmest thanks of the convention, and of all the inhabitants of this colony, were due, and that this just tribute of applause be presented to the worthy delegates, deputed by a former convention, to represent this colony in general congress, for their cheerful undertaking and faithful discharge, of the very important trust reposed in them.'

"The morning of the 23d March was opened, by reading a petition and memorial from the assembly of Jamaica to the king's most excellent majesty: whereupon it was 'Resolved, that the unfeigned thanks and most grateful acknowledgments of the convention, be presented to that very respectable assembly, for the exceeding generous and affectionate part they have so nobly taken, in the unhappy contest between Great-Britain and her colonies; and for their truly patriotic endeavours, to fix the just claims of the colonists upon the most permanent constitutional principles: that the assembly be assured, that it is the most ardent wish of this colony (and they were persuaded of the whole continent of North America) to see a speedy return of those halcyon days, when we lived a free and happy people.'

"These proceedings were not adapted to the taste of Mr. Henry; on the contrary, they were 'gall and wormwood' to him: the house required to be wrought up to a bolder tone.' He rose therefore, and moved the following manly resolutions:

"Resolved, That a well regulated MILITIA, composed of gentlemen and yeomen, is the natural strength and only security of a free government: that such a militia in this colony, would forever render it unnecessary for the mother country to keep among us, for the purpose of our defence, any standing army of mercenary soldiers, always subversive of the quiet, and dangerous to the liberties of the people; and would obviate the pretext of taxing us for their support

"That the establishment of such a militia, is at this time peculiarly necessary, by the state of our laws, for the protection and defence of the country, some of which are already expired, and others will shortly be so; and that the known remissness of government in calling us together in a legislative capacity, renders it too insecure, in this time of danger and distress to rely, that opportunity will be given of renewing them in general assembly, or making any provision to secure our inestimable rights and liberties, from those further violations with which they are threatened.

"Resolved therefore, That this colony be immediately put into a state of defence, and that ————— be a committee to prepare a plan for embodying, arming, and disciplining such a number of men, as may be sufficient for that purpose.'

"The alarm which such a proposition must have given to those, who had contemplated no resistance of a character more serious than petition, non-importation, and passive fortitude; and who still hung with suppliant tenderness on the skirts of Britain, will be readily conceived by the reflecting reader. The shock was painful.—It was almost general. The resolutions were opposed as not only rash in policy, but as harsh and well nigh impious in point of feeling. Some of the warmest patriots of the convention opposed them—Richard Bland, Benjamin Harrison, and Edmund Pendleton, who had so lately drunk of the fountain of patriotism in the continental con-

APPENDIX—Part 1st.—Miscellaneous: (2d Virginia Convention, 1775.)

gress, and Robert C. Nicholas, one of the best as well as ablest men and patriots in the state, resisted them with all their influence and abilities.

“They urged the late gracious reception of the congressional petition by the *throne*. (1) They insisted that national comity, and much more filial respect, demanded the exercise of a more dignified patience. That the sympathies of the parent country were now on our side. That the friends of American liberty in parliament were still with us, and had, as yet, had no cause to blush for our indiscretion. That the manufacturing interests of Great-Britain, already smarting under the effects of our non-importation, co-operated powerfully towards our relief. That the sovereign himself had relented, and showed that he looked upon our sufferings with an eye of pity. ‘Was this a moment,’ they asked, ‘to disgust our friends, to extinguish all the conspiring sympathies which were working in our favour, to turn their friendship into hatred, their pity into revenge? And what was there, they asked, in the situation of the colony, to tempt us to this? Were we a great military people? Were we ready for war? Where were our stores—where were our arms—where our soldiers—where our generals—where our money, the sinews of war? They were no where to be found. In truth, we were poor—we were naked—we were defenceless. And yet we talk of assuming the front of war! Of assuming it, too, against a nation, one of the most formidable in the world! A nation ready and armed at all points! Her navies riding triumphant in every sea; her armies never marching but to certain victory! What was to be the issue of the struggle we were called upon to court? What *could* be the issue, in the comparative circumstances of the two countries, but to yield up *this country* an easy prey to Great Britain, and to convert the illegitimate right which the British parliament now claimed, into a firm and indubitable right, *by conquest*? The measure might be brave; but it was the bravery of madmen. It had no pretension to the character of prudence; and as little to the grace of genuine courage. It would be time enough to resort to measures of *despair*, when every well founded *hope* had entirely vanished.’

“To this strong view of the subject, supported as it was by the stubborn fact of the well known helpless condition of the colonies, the opponents of those resolutions, superadded every topic of persuasion which belonged to the cause.

“The strength and lustre which we derived from our connexion with Great-Britain—the domestic comforts which we had drawn from the same source, and whose value we were now able to estimate by their loss—that ray of reconciliation which was dawning upon us from the east, and which promised so fair and happy a day:—with this they contrasted the clouds and storms, which the measure now proposed was so well calculated to raise—and in which we should not have even the poor consolation of being pitied by the world, since we should have so needlessly and rashly drawn them upon ourselves.

“These arguments and topics of persuasion were so well justified by the appearance of things, and were moreover, so entirely in unison with that love of ease and quiet which is natural to man; and that disposition to hope for happier times, even under the most forbidding circumstances; that an ordinary man, in Mr. Henry’s situation, would have been glad to compound with the displeasure of the house, by being permitted to withdraw his resolutions in silence.

“Not so, Mr. Henry. His was a spirit fitted to raise the whirlwind, as well as to ride in and direct it. His was that comprehensive view, that unerring prescience, that perfect command over the actions of men, which qualified him not merely to guide, but almost to create the destinies of nations.

“He rose at this time, with a majesty unusual to him in an exordium, and with all that self-possession by which he was so invariably distinguished. ‘No man,’ he said, ‘thought more highly than he did of the patriotism, as well as abilities, of the very worthy gentlemen who had just addressed the house. But different men often saw the same subjects in different lights; and therefore, he hoped it would not be thought disrespectful to those gentlemen, if, entertaining as he did, opinions of a character very opposite to theirs, he should speak forth *his* sentiments freely, and without reserve. This,’ he said, ‘was no time for ceremony. The question before the house was one of awful moment to this country. For his own part, he considered it as nothing less than a question of freedom or slavery—and in proportion to the magnitude of the subject, ought to be the freedom of the debate. It was only in this way, that they could hope to arrive at truth, and fulfil the great responsibility which they held to God and their country. Should he keep back his opinions at such a time, through fear of giving offence, he should consider himself as guilty of treason towards his country, and of an act of disloyalty toward the Majesty of Heaven, which he revered above all earthly kings.

“Mr. President,’ said he, ‘it is natural to man to indulge in the illusions of hope. We are apt to shut our eyes against a painful truth—and listen to the song of that syren, till she transforms us into beasts. Is this,’ he asked, ‘the part of wise men, engaged in a great and arduous struggle for liberty? Were we disposed to be of the number of those, who having eyes, see not, and having ears, hear not, the things which so nearly concern their temporal salvation? For his part, whatever anguish of spirit it might cost, *he* was willing to know the whole truth; to know the worst, and to provide for it.

“He had,’ he said, ‘but one lamp by which his feet were guided; and that was the lamp of experience. He knew of no way of judging the future but by the past. And judging by the past, he wished to know what there had been in the conduct of the British ministry for the last ten

(1) *This was a mistake.*

APPENDIX—Part 1st.—Miscellaneous. (2d Virginia Convention, 1775.)

years to justify those hopes, with which gentlemen had been pleased to solace themselves and the house? Is it that insidious smile with which our petition has been lately received? Trust it not, sir; it will prove a snare to your feet. Suffer not yourselves to be betrayed with a kiss. Ask yourselves how this gracious reception of our petition comports, with those warlike preparations which cover our waters and darken our land. Are fleets and armies necessary to a work of love and reconciliation? Have we shown ourselves so unwilling to be reconciled, that force must be called in to win back our love? Let us not deceive ourselves, sir. These are the implements of war and subjugation—the last arguments to which kings resort. I ask gentlemen, sir, what means this martial array, (1) if its purpose be not to force us to submission? Can gentlemen assign any other possible motive for it? Has Great-Britain any enemy in this quarter of the world, to call for all this accumulation of navies and armies? No, sir, she has none. They are meant for us: they can be meant for no other. They are sent over to bind and rivet upon us those chains, which the British ministry have been so long forging. And what have we to oppose to them? Shall we try argument? Sir, we have been trying that for the last ten years. Have we any thing new to offer upon the subject? Nothing. We have held the subject up in every light of which it is capable; but it has been all in vain. Shall we resort to entreaty and humble supplication? What terms shall we find, which have not been already exhausted? Let us not, I beseech you, sir, deceive ourselves longer. Sir, we have done every thing that could be done, to avert the storm which is now coming on. We have petitioned—we have remonstrated—we have supplicated—we have prostrated ourselves before the throne, and have implored its interposition to arrest the tyrannical hands of the parliament. Our petitions have been slighted; our remonstrances have produced additional violence and insult; our supplications have been disregarded; and we have been spurned, with contempt, from the foot of the throne. In vain, after these things, may we indulge the fond hope of peace and reconciliation. *There is no longer any room for hope.* If we wish to be free—if we mean to preserve inviolate those inestimable privileges for which we have been so long contending—if we mean not basely to abandon the noble struggle in which we have been so long engaged, and which we have pledged ourselves never to abandon, until the glorious object of our contest shall be obtained—we must fight!—I repeat it, sir, we must fight!! An appeal to arms and to the God of Hosts, is all that is left us! (2)

“They tell us, sir,” continued Mr. Henry, “that we are weak—unable to cope with so formidable an adversary. But when shall we be stronger? Will it be the next week, or the next year? Will it be when we are totally disarmed, and when a British guard shall be stationed in every house? Shall we gather strength by irresolution and inaction? Shall we acquire the means of effectual resistance by lying supinely on our backs, and hugging the delusive phantom of hope, until our enemies shall have bound us hand and foot? Sir, we are not weak, if we make a proper use of those means which the God of nature hath placed in our power. Three millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us. Besides, sir, we shall not fight our battles alone. There is a just God who presides over the destinies of nations; and who will raise up friends to fight our battles for us. The battle, sir, is not to the strong alone; it is to the vigilant, the active, the brave. Besides, sir, we have no election. If we were base enough to desire it, it is now too late to retire from the contest. There is no retreat, but in submission and slavery! Our chains are forged—their clanking may be heard on the plains of Boston! The war is inevitable—and let it come!! I repeat it, sir, let it come!!!

“It is in vain, sir, to extenuate the matter. Gentlemen may cry, peace, peace—but there is no peace. The war is actually begun! The next gale that sweeps from the north, will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God!—I know not what course others may take; but as for me,” cried he, with both his arms extended aloft, his brows knit, every feature marked with the resolute purpose of his soul, and his voice swelled to its boldest note of exclamation—“give me liberty, or give me death!”

“He took his seat. No murmur of applause was heard—The effect was too deep. After the trance of a moment, several members started from their seats. The cry, ‘to arms,’ seemed to quiver on every lip, and gleam from every eye! Richard H. Lee arose and supported Mr. Henry, with his usual spirit and elegance. But his melody was lost amidst the agitations of that ocean, which the master spirit of the storm had lifted up on high. That supernatural voice still sounded in their ears, and shivered along their arteries. They heard, in every pause, the cry of liberty or death—their became impatient of speech—their souls were on fire for action.

“The resolutions were adopted; and Patrick Henry, Richard H. Lee, Robert C. Nicholas, Benjamin Harrison, Lemuel Riddick, George Washington, Adam Stevens, Andrew Lewis,

(1) *Army at Boston.*

(2) “Imagine to yourself,” says my correspondent, (Judge Tucker,) “this sentence delivered with all the calm dignity of Cato of Utica—imagine to yourself the Roman Senate, assembled in the capitol, when it was entered by the profane Gauls, who, at first, were awed by their presence, as if they had entered an assembly of the gods!—imagine that you heard that Cato addressing such a senate—imagine that you saw the hand-writing on the wall of Belshazzar’s palace—imagine you heard a voice as from heaven uttering the words, ‘We must fight!’ as the doom of fate—and you may have some idea of the speaker, the assembly to whom he addressed himself, and the auditory, of which I was one.”

APPENDIX—Part 1st.—Miscellaneous. (2d Virginia Convention, 1775.)

William Christian, Edmund Pendleton, Thomas Jefferson, and Isaac Zane, esquires, were appointed a committee to prepare the plan called for by the last resolution.

"The constitution of this committee proves, that in those days of genuine patriotism, there existed a mutual and noble confidence, which deemed the opponents of a measure no less worthy than its friends, to assist in its execution. A correspondent, (1) who bore himself a most distinguished part in our revolution, in speaking of the gentlemen whom I have just named as having opposed Mr. Henry's resolutions, and of Mr. Wythe who acted with them, says—"These were honest and able men, who had begun the opposition on the same grounds, but with a moderation more adapted to their age and experience. Subsequent events favoured the bolder spirits, of Henry, the Lees, Pages, Mason, &c. with whom I went in all points. Sensible, however, of the importance of unanimity among our constituents, although we often wished to have gone on faster, we slackened our pace, that our less ardent colleagues might keep up with us; and they on their part, differing nothing from us in principle, quickened their gait somewhat beyond that which their prudence might, of itself, have advised, and thus consolidated the phalanx which breasted the power of Britain. By this harmony of the bold with the cautious, we advanced, with our constituents, in undivided mass, and with fewer examples of separation, than perhaps existed in any other part of the union."

"The plan for embodying, arming, and disciplining the militia, proposed by the committee, which has just been mentioned, was received and adopted, and is in the following terms:

"The committee propose that it be strongly recommended to the colony, diligently to put in execution the militia law passed in the year 1738, entitled, 'An act for the better regulating of the militia,' which has become in force by the expiration of all subsequent militia laws.

"The committee are further of opinion, that as, from the expiration of the above-mentioned laws, and various other causes, the legal and necessary disciplining the militia has been much neglected, and a proper provision of arms and ammunition has not been made, to the evident danger of the community, in case of invasion or insurrection; that it be recommended to the inhabitants of the several counties of this colony, that they form one or more volunteer companies of infantry and troops of horse in each county, and to be in constant training and readiness to act on any emergency.

"That it be recommended particularly to the counties of Brunswick, Dinwiddie, Chesterfield, Henrico, Hanover, Spotsylvania, King George, and Stafford, and to all counties below these; that, out of such their volunteers, they form, each of them, one or more troops of horse; and to all the counties above these it is recommended, that they pay a more particular attention to the forming a good infantry.

"That each company of infantry consist of sixty-eight, rank and file, to be commanded by one captain, two lieutenants, one ensign, four sergeants, and four corporals; and that they have a drummer, and be furnished with a drum and colours; that every man be provided with a good rifle, if to be had, or otherwise with a common firelock, bayonet, and cartouch-box, and also with a tomahawk, one pound of gunpowder, and four pounds of ball at least, fitted to the bore of his gun; that he be clothed in a hunting shirt, by way of uniform; and that he use all endeavour, as soon as possible, to become acquainted with the military exercise for infantry, appointed to be used by his majesty in the year 1764.

"That each troop of horse consist of thirty, exclusive of officers; that every horseman be provided with a good horse, bridle, saddle, with pistols and holsters, a carbine, or other short firelock, with a bucket, a cutting sword, or tomahawk, one pound of gunpowder, and four pounds of ball, at the least; and use the utmost diligence in training and accustoming his horse to stand the discharge of fire-arms, and in making himself acquainted with the military exercise for cavalry.

"That, in order to make a further and more ample provision of ammunition, it be recommended to the committees of the several counties, that they collect from their constituents, in such manner as shall be most agreeable to them, so much money as will be sufficient to purchase half a pound of gunpowder, one pound of lead, necessary flints and cartridge-paper, for every fittheable person in their county; that they immediately take effectual measures, for the procuring such gunpowder, lead, flints, and cartridge-paper, and dispose thereof, when procured, in such place or places of safety as they may think best; and it is earnestly recommended to each individual, to pay such proportion of the money necessary for these purposes, as by the respective committees shall be judged requisite.

"That as it may happen that some counties, from their situation, may not be apprised of the most certain and speedy method of procuring the articles before mentioned, one general committee should be appointed, whose business it should be to procure for such counties as may make application to them, such articles, and so much thereof, as the monies wherewith they shall furnish the said committee will purchase, after deducting the charges of transportation, and other necessary expenses."

"The convention having adopted a plan for the encouragement of arts and manufactures in this colony, and re-appointed their former deputies to the continental congress, with the substitution of Mr. Jefferson for Mr. Peyton Randolph, in case of the non-attendance of the latter; (2)

(1) Mr. Jefferson. (2) "He was speaker of the house of burgesses, a call of which was expected, and did accordingly take place."

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and having also provided for a re-election of delegates to the next convention, came to an adjournment.

It is curious to read, in the file of papers from which the foregoing proceedings are extracted, and immediately following them, this proclamation of his excellency lord DUNMORE:—

"Whereas, certain persons, styling themselves delegates of several of his majesty's colonies in America, have presumed, without his majesty's authority or consent, to assemble together at Philadelphia, in the months of September and October last, and have thought fit among other unwarrantable proceedings to resolve, that it will be necessary that another congress should be held at the same place on the 10th of May next, unless redress of certain pretended grievances be obtained before that time; and to recommend that all the colonies of North America should choose deputies to attend such congress: I am commanded by the king, and I do accordingly issue this my proclamation, to require all magistrates and other officers, to use their utmost endeavours to prevent any such appointment of deputies, and to exhort all persons whatever within this government to desist from such an unjustifiable proceeding, so highly displeasing to his majesty."

"This proclamation was published while the convention was in session, and was obviously designed to have an effect on their proceedings. It passed by them, however, 'as the idle wind which they regarded.' The age of proclamations was gone, and the glory of regal governors pretty nearly extinguished for ever."

"It ought not to be omitted, however, that this very convention passed resolutions complimentary to lord Dunmore, and the troops which he had commanded in an expedition of the preceding year against the Indians: a compliment which, as we shall see, was afterwards found to be unmerited. As the resolution in regard to lord Dunmore does honour to the candour of the convention, and shows also how little personality there was in the contest, I take leave to subjoin it."

"RESOLVED, unanimously, That the most cordial thanks of the people of this colony, are a tribute justly due to our worthy governor, lord Dunmore, for his truly noble, wise, and spirited conduct, on the late expedition against our Indian enemy—a conduct which at once evinces his excellency's attention to the true interests of this colony, and a zeal in the executive department which no dangers can divert, or difficulties hinder, from achieving the most important services, to the people who have the happiness to live under his administration."

"Lord Dunmore was not a man of popular manners; he had nothing of the mildness, the purity, the benevolence, and suavity of his predecessor. On the contrary, he is represented as having been rude and offensive; coarse in his figure, his countenance, and his manners. Yet he received from the house of burgesses the most marked respect. Thus, in 1774, while the liberties of the colonies were bleeding at every pore, and while the house was smarting severely, under the recent news of the occlusion of the port of Boston, they paid to lady Dunmore, who had just arrived at Williamsburg, the most cordial and elegant attentions; congratulated his lordship on this increase to his domestick felicity, and even after their abrupt dissolution, complimented the inhabitants of the palace with a splendid ball and entertainment, in honour of the arrival of the countess Dunmore and her family." Wirt.

Peace of Paris, Feb. 10, 1763.

This peace is so often alluded to in the historical notes of the revolution, that some explanation seems proper to enable readers not particularly conversant with the subject, to understand the territorial claims of the several powers, at the breaking out of the war in America in 1754, (1) between England and France, and the changes it produced in their North American possessions, at the period of 1763.

The pretensions of France, Spain, and England, may be summarily stated as follows:—

France on the north, claimed in 1754, and possessed by right of prior discovery and first settlement, (made in 1540, by James Cartier, at a place near to the present site of Quebec,) all that country which now constitutes upper and lower Canada, as designated on the common maps; beside which, she then held the island of Cape Breton, and other islands in the river and gulph of St. Lawrence, (New Foundland excepted, which then belonged to G. Britain.)

These territories had been erected into a province called New France, or Canada, at the head of which was a governor, appointed by the king.

To the south on the gulph of Mexico, (or sea) France claimed another immense region, which had also been erected into a government by Louis the 14th, called the province of Louisiana: this claim was founded on the discovery of the river Mississippi, by M. de la Salle in 1683, who took possession of all the countries watered by that river, and its tributary streams, and named it Louisiana, in honour of the king: In 1712, Louis, then in the 70th year of his reign, granted a commercial monopoly of this province to the *Sieur Crozat*, in which patent he describes the extent of Louisiana thus, "*Bounded by New Mexico, and by the lands of the English of Carolina,*" (2) all the establishments, ports, havens, rivers, and principally the port and haven of the *Isle Dauphine*, (3) heretofore called *Massacre*; the river of *St Lewis*, heretofore called *Mississippi*,

(1) See p. 13.

(2) Georgia was then included in Carolina.

(3) New Orleans.

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from the edge of the sea, as far as the Illinois, together with the river of St. Philip, heretofore called the Missouri; and of St. Jerome, heretofore called Ouabache, with all the countries, territories, lakes, within land, and the rivers which fall directly or indirectly into that part of the river of St. Lewis."

New Orleans was early founded, and other settlements, as Natches, &c. further up the river: this province (taking the rivers which flow into the Mississippi as describing it,) embraced all that immense country, east of the Mississippi, laying on the whole rear of the British colonies, between the west side of the Appalachian, (or Alleghany mountains,) (1) and the Great Lakes, and her claim extended on the west, to the extreme heads of the Missouri; and every other river which falls into the Mississippi on that side, with the whole expanse of country through which they flow.

This vast territory, east and west of the Mississippi, they bounded to the south on the gulph of Mexico, by the whole longitude between the river *Perdido*, (now in West Florida,) to the bay of St. Bernard, (2) (now within the Spanish province of Texas,) claiming also, the country on the rivers falling into the gulph, on this vast front, of near 1000 miles.

It will be perceived, the eastern bounds of Louisiana under this description, included the whole country west of the Alleghany mountains, comprising part of the state of New York, and more than half of Pennsylvania, Virginia, North and South Carolina, and Georgia.

Spain claimed Florida, in right of discovery, by Juan Ponce de Leon in 1512, who took possession of it for Spain, in lat. 30d. 8m. N. on Palm or Easter Sunday, on which account he named it "Florida."

The Spaniards in 1754, when the war broke out between France and England, included under the denomination of the province of Florida, all that is now generally known by the names of East and West Florida, lying between the Atlantick, the gulph of Mexico, and the Mississippi; and extending to about the 31st degree of N. lat.; although France claimed that part which lies west of the river *Perdido*, as within Louisiana.

Great Britain in virtue of prior discovery, conquest, and settlement of her colonies on the sea coast, claimed the country between the Great Lakes and the west side of the Alleghany mountains, to the northern bounds of Florida, and westward in its whole width, to the Pacific Ocean.

This was the country in dispute with France; for as to the settled provinces along the sea coast, from Nova Scotia to the southern bounds of Georgia, and to the east side of the Alleghany mountains, in their whole extent through the 13 colonies, Great Britain had an undisputed right, and actual possession.

It was this immense unsettled country, west of the mountains, and watered by all the streams which unite with the Mississippi, on both sides, and bounded in front by several hundred leagues on the sea, or gulph of Mexico, which was the prize contended for between Louis the 15th and George the 2d, and his grandson George the 3d.

This general description, not critically accurate, but enough so for my purpose, (and obvious by reference to any modern map) will present an outline, of the controverted regions: It was the great and long cherished purpose of France, to unite by a chain of forts, these two extensive colonies of Canada and Louisiana, according to her boundaries of them, and thus reduce the English, to a strip of country on the sea coast, extending no further back, than to the eastern side of the Alleghany ridge.

The war begun as has been stated, in 1754, in consequence of a grant made by the crown of England in 1749, to the Ohio company, (English and Americans,) of 600,000 acres in the disputed territory, lying west of the Alleghany on the river Ohio, and within the then provincial bounds of Virginia. This company attempting to make settlements under the grant, were warned to desist by the Governor of Canada: (who was also governor of Louisiana.) The company however persevered.

The French, to protect the country and drive out the settlers, established military posts at Presque Isle on Lake Erie, and upon the Ohio and Alleghany rivers and their branches, for the declared purpose of expelling the English and Americans by force, and actually proceeded to attack and destroy several settlements: the issue had been foreseen by both countries, and the English ministry despatched orders to the governors of the colonies, to drive the French from their usurpations and fortified posts, on the Ohio and other places, and every where to oppose force to force.

In consequence of these orders, a detachment marched from Virginia in 1754, for the purpose of dislodging the French from Fort Duquesne, now Pittsburgh. (3)

(1) The Alleghany, or Allegany, or Appalachian Mountains, range through the U. S. 900 miles in length, and from 50 to 200 in breadth, extending from near the mouth of the St. Lawrence to the confines of Georgia. They run nearly parallel to the sea shore, at the distance of from 50, to 150 miles from it, and divide the rivers and streams of water, which flow into the Atlantick on the E. from those which flow into the lakes and the Mississippi on the W. These mountains are not confusedly scattered and broken, but stretch along in uniform ridges, for the most part scarcely half a mile high. The several ridges are known by different names."

(2) At least, but on that side their claim was yet more extensive. (3) The first battle in this tremendous contest, was fought by "WASHINGTON," at the age of 22. See p. 12.—War however was not publicly declared by England against France, until May 17, 1756.

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Thus begun a 9 years war in America, concluded by the peace of Paris in *Feb. 1763*.—The result of which was, that France lost all, or nearly all, the disputed country, beside the whole of *Canada*, which was not in controversy; and Spain, who foolishly entered into the war in 1761, on the side of France, lost *Florida*, and all her possessions east of the Mississippi.

"The following contains the substance of the treaty of 1763, so far as it respects *North America* and those 3 powers.

Extracts from the definitive treaty of friendship and peace, between his Britannick majesty, the most Christian king, and the king of Spain, concluded at Paris, the 10th of February, 1763.

"*Art. 4.* His most Christian majesty (1) renounces all pretensions which he has heretofore formed, or might form, to Nova Scotia or Acadia in all its parts, and guarantees the whole of it, and with all its dependencies, to the king of Great Britain: moreover, his most Christian majesty cedes and guarantees to his said Britannick majesty, in full right, *Canada*, with all its dependencies, as well as the island of Cape Breton, and all the other islands and coasts in the gulf and river of St. Lawrence; and, in general, every thing that depends on the said countries, lands, islands, and coasts; with the sovereignty, property, possession, and all rights acquired by treaty or otherwise, which the most Christian king and the crown of France have had, till now, over the said countries, islands, lands, places, coasts, and their inhabitants; so that the most Christian king cedes and makes over the whole to the said king, and to the crown of Great Britain, and that in the most ample manner and form, without restriction, and without any liberty to depart from the said cession and guarantee under any pretence, or to disturb Great Britain in the possessions above-mentioned."

"*Art. 7.* In order to establish peace on solid and durable foundations, and to remove forever all subjects of dispute with regard to the limits of the *British* and *French* territories on the continent of America, it is agreed that for the future, the confines between the dominions of his Britannick majesty and those of his most Christian majesty in that part of the world, shall be fixed irrevocably by a line, drawn along the middle of the river *Mississippi*, from its source to the river *Terriville*, and from thence by a line drawn along the middle of this river, and the lakes *Maurepas* and *Ponchartrain*, to the sea; and for this purpose the most Christian king cedes, in full right, and guarantees to his Britannick majesty, the river and port of the *Mobile*, and every thing which he possesses or ought to possess on the left side of the river *Mississippi*, with the exception of the town of *New Orleans*, and of the island in which it is situated, which shall remain to France; it being well understood, that the navigation of the river *Mississippi* shall be equally free, as well to the subjects of Great Britain as to those of France, in its whole breadth and length from its source to the sea; and expressly, that part which is between the said island of *New Orleans*, and the right bank of that river, as well as the passage both in and out of its mouth. It is further stipulated, that the vessels belonging to the subjects of either nation shall not be stopped, visited, or subjected to the payment of any duty whatsoever.

"*Art. 20.* In consequence of the restitution stipulated in the preceding article, (2) his *Catholic* majesty (*Charles 3d.*) cedes and guarantees, in full right, to his Britannick majesty, *Florida*, with *Fort St. Augustin*, and the Bay of *Pensacola*, as well as all that Spain possesses on the continent of *North America*, to the east or to the south-east of the river *Mississippi*; and in general every thing that depends on the said countries and lands, with the sovereignty, property, possession, and all rights acquired by treaties or otherwise, which the *Catholic* king and the crown of Spain have had, till now, over the said countries, lands, places, and their inhabitants; so that the *Catholic* king cedes and makes over the whole, to the said king and to the crown of Great Britain, and that in the most ample manner and form." (3) *Land laws.*

(1) *Louis 15.* (2) *The 19th art. for the restitution of Cuba to Spain.* (3) *The following is a short summary of the treaty, as respects those three powers, in regard to possessions in Europe, Asia, North America, and the West Indies.*

"By those articles it was stipulated, 'That France shall cede to Great Britain, *Canada* in its utmost extent, with the islands of *St. John*, *Cape Breton*, &c. and all that part of *Louisiana*, which lies on this side of the *Mississippi*, except the town of *New Orleans* and its territory: That the French shall be permitted to fish on the banks of *Newfoundland*, under certain limitations; and that the islands of *St. Pierre* and *Miquelon*, shall be ceded to them for the benefit of their fishery, but without the liberty of erecting forts on those islands: That Spain shall relinquish her claim to fish on the banks of *Newfoundland*; permit the English logwood-cutters to build houses in the bay of *Honduras*, for the conveniency of their trade; evacuate whatever places she may have taken belonging to Portugal; and cede *Florida* to Great Britain, in consideration of having the *Havana*, and all that part of the island of *Cuba*, conquered by the British arms, restored to her: That the island of *Minorca* shall be restored to Great Britain, and the islands of *Martinico*, *Guadeloupe*, *Goree*, and *Belleisle* to France: That France shall cede to Great Britain the forts and factories she has lost on the river *Senegal*, the island of *Granada* and the *Granadines*, and give up all claim to the neutral islands of *St. Vincent*, *Dominica*, and *Tobago*. But *St. Lucia*, the most valuable of the neutral islands, was delivered in full right to France, and the French East India company were put in the same situation as after the peace of *Aix-la-Chapelle*, by the restitution of *Indicherry* and other places; with the single exception of erecting no forts in the province of *Ben*. In return for so many indulgencies, France agreed to destroy the harbour, and demolish the fortifications of *Dunkirk*.' 5. *Mod. Europe.*

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The amount of the whole as to *Louisiana* and *Florida* was, that Great Britain acquired all the right of *both* those powers east of the Mississippi, except New Orleans, and the Island on which it is situated, which France retained with the rest of Louisiana, on the west of the river.

I add here, a short view of the subsequent changes, and transfers, which respect *Florida* and *Louisiana*, to the present time.

[Oct. 1763.] The king of Great Britain by proclamation, with the advice of his privy council, divided the whole of the ceded country east of the Mississippi, into two governments, denominating that part next the Mississippi, and extending eastwardly to the river Catahouche, (or Apalachicola) *West*, and the residue, *East Florida*.

[Ap. 1764.] In the following year, France delivered over New Orleans, and the rest of Louisiana west of the Mississippi, to Spain, agreeably to a secret treaty which had been made between them at Fontainebleau, Nov. 3, 1762.

[Jan. 1783.] Great Britain ceded to Spain the Floridas, after having possessed them 20 years. Thus Spain in 1783, held both Louisiana and the Floridas.

[Oct. 1, 1800.] By a treaty made at St. Ildefonso—Spain retroceded the province of Louisiana to the republic of France, in the same extent it then had in the hands of Spain, and as it had when France possessed it. (1)

[Ap. 30, 1803.] (2) The *First Consul* of the French republic, (Bonaparte,) in the name of the French people, ceded Louisiana to the U. S.—as fully as acquired from Spain; thus Louisiana including New Orleans, became vested in the U. S.

[Feb. 22, 1819.] By a treaty made at Washington, (ratified on the part of Spain, Oct. 24th, 1820,) Ferdinand the 7th ceded to the U. S. "all the territories of Spain, eastward of the Mississippi, known by the name of *East and West Florida*, the Islands, &c."—This treaty also fixes the boundaries between Louisiana and Spain, on the west side of the Mississippi, beginning at the river Sabine in the gulf of Mexico.

The foregoing sketch is intended for the cursory reader, to enable him without recurrence to any other documents, but a general map, to perceive the vast stake fought for, in the war of 1756, and the fatal termination of it, to all the interests of France and Spain; as also to exhibit how Louisiana and the Floridas, have since been acquired by the U. S.

No. 24. *Navigation acts—Laws of Trade.*

In the colonial history of England, the laws of navigation and trade are adverted to in almost every page.

The following is a short account of the fundamental laws, called "the acts of navigation," as they affected the colonies.

It is not within my design, nor have I the information necessary, to furnish a more detailed view: from the parent stock, sprung up a vast number of other acts, all having in view, the encouragement of British navigation, commerce, and manufactures, (and consequently revenue,) by the monopoly of the colonial trade.

As early as the time of the usurpation, (1648,) Cromwell and the heads of the commonwealth parliament, had the sagacity to discover the importance of monopolizing the trade of their colonies, on the continent of North America, and the West Indies.

"They perceived that those subjects, who, from various motives, had taken refuge in America, would be lost to the parent state, if the ships of foreign powers were not excluded from the ports of the plantations. The discussion of that important point, with other political considerations, brought on the famous navigation act, [Dec. 1, 1651.] which prohibits all foreign ships, unless under some particular exceptions, from entering the harbours of the English colonies, and obliges their principal produce, to be exported directly to the countries under the dominion of England.

"Before this regulation, the colonists used to send their produce whithersoever they thought it could be disposed of to most advantage, and indiscriminately admitted into their harbours, ships of all nations. In consequence of that unlimited freedom, the greater part of their trade fell into the hands of the Dutch; who, by reason of the low interest of money in Holland, and the reasonableness of their port duties, could afford to buy at the dearest, and sell at the cheapest rate; and who seized upon the profits of a variety of productions, which they had neither planted nor gathered. The navigation act remedied this evil; and the English parliament, though aware of the inconveniences of such a regulation to the colonies, were not alarmed at its probable effects. They considered the empire only as a tree, whose sap must be returned to the trunk, when it flows too free to some of the branches.

"all those settlements England thenceforth exported, without a rival, her various manufactures. From her islands in the West Indies they passed to the Spanish main, whence large sums were returned in exchange; and as it was long before her North American colonies began to think of manufacturing for themselves, the export thither was very great.

"Spain continued to receive annually immense sums from the mines of Mexico and Peru. Contiguous settlements and new governments were daily formed, and the demand for European goods was excessive. But as the decline of their manufactures obliged the Spaniards to depend upon foreigners for the supply of that demand, their wealth became the common property of

(1) viz. At the peace of 1763.

(2) Ratified 21 Oct. 1803.

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Europe. The industrious manufacturer of every country had his share; and the conquerors of the New World found themselves dwindle into the factors of England and Holland." *Mod. Europe.*

The effect of this system, both to increase the navigation, as well as the commerce and manufactures of England, was from the earliest periods considerable; but the progressive advantages, by the extended population, agriculture, and fisheries of the colonies, became the sources of her vast superiority over all nations in these respects. (1)

Cromwell's policy during the 18 years of the commonwealth, was followed up at the restoration of Charles the 2d in May 1666. "No sooner was he seated on the throne of his ancestors, than the parliament voted a duty of *five per centum* on all merchandizes exported from, or imported into, any of the dominions belonging to the English crown; (2) and in the course of the same session, was passed the celebrated navigation act, by which it was enacted "that no merchandize should be imported into the plantations belonging to his majesty in Asia, Africa and America, or exported from them but in English vessels navigated by Englishmen;" a description which was admitted to include all the subjects of the English crown. It was also enacted, that no sugar, tobacco, ginger, indigo, cotton, fustiek or other dying woods, of the growth of the English territories in America, Asia, or Africa, should be transported thence to any other country, than those belonging to the crown of England. The specified articles were termed 'enumerated commodities,' and when any new article of export became afterwards important; as the rice of Carolina, the molasses of the West Indies, and the copper ore of the northern colonies, such article was added to the list, and subjected to the same regulations. (3) The colonists remained at liberty under the common law, which gives freedom of commerce to all the subjects of England, to export to any part of the world all objects of trade other than the 'enumerated commodities.' The difficulty of carrying this system into execution among a distant people, accustomed to the advantages of a free trade, was foreseen; and therefore, the law directed that the governors of the several plantations should take an oath, before entering into office, faithfully to observe it.

"As some compensation to the colonies for the commercial restraints thus imposed by the legislature; it was also enacted during the same session, that no tobacco should be planted or made in England or Ireland, Guernsey or Jersey." These prohibitions, affecting the respective parts of the empire, confined the trade of the colonies to England, and conferred on them exclusively the production of tobacco." *Marshall.*

It will be seen that this act completely cut off all foreign vessels, either from bringing productions or merchandize into the colonies, or taking any thing from them; and so far deprived them of any beneficial intercourse with other countries.

Still the colonies might trade with any foreign country, in English or American built ships, navigated by English or American seamen. But this was of but little advantage, as the act in its enumerating clause, prevented them from sending, (except to England only and its possessions,) those productions, with which they could pay for such things as they might have got cheaper, or better, or more suited to their wants, than could be obtained in Great Britain or her possessions: beside other nations immediately followed the English example, and in retaliation, excluded trade with their colonies, in foreign bottoms. But in 1663, the parliament proceeded to complete their system of confining the trade of the colonies to the mother country: it was then enacted "that no commodity of the growth or manufacture of Europe, shall be imported into the settlements of England in Asia, Africa, or America, but such as shall be shipped in England, and proceed directly on board English ships, navigated by English. Out of this general rule were excepted, salt for the fisheries, wine from Madeira and the Azores; and servants, horses, and victuals, (4) from Scotland and Ireland.

"To counterbalance these restrictions, duties were imposed on salt and dried fish caught or imported by other vessels than those of the subjects of the crown, and additional regulations were made for enforcing the prohibition of the culture of tobacco in England.

"These commercial restrictions were the never failing source of discontent and controversy, between the mother country and her colonies. They had been accustomed in their infancy to a free commerce, and its advantages were surrendered with the more reluctance, because England was not then a mart in which every commodity could be vended, and every want supplied. In the southern colonies, where similar restraints had been enforced by Cromwell, they were execu-

(1) In fact, its operation has extended far beyond the primary intent of colonial monopoly: great nations in every part of the world, have been and are tributaries to it, and must remain so, until virtue or poverty rescues them from the degradation, of being the sources from which England draws that immense wealth, which sustains her population, her armies, navies, church, and empire; namely—"her manufactures."

(2) This impost of 5 per cent on exports and imports, (as well as the duties of tonnage,) were laid as early as Jam. 1, (1606,) from the infancy of the colonies; and gave rise to the first custom house establishment, and court of admiralty in the colonies.

(3) Other subsequent acts, added to the enumerated articles, coffee, pepper, cocoa nuts, whale fins, raw silks, or silks, hides, pot or pearl ashes, iron, or lumber, each was the vast monopoly! The U. S. may now indeed export these articles if they have them, to other nations who will admit and want them, yet the returns by our policy of importing foreign manufactures, still go to England and other European states, to our impoverishment and dependence.

(4) Thus, above half a century after the commencement of colonization, under Jam. 1. horses and victuals were imported from Europe.

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ted very imperfectly; and, in New England, where the governors were elected by the people, they appear to have been, for a considerable time, entirely disregarded." *Marshall*.

The first act left them a trade with *foreign* parts, provided it was carried on in British or American bottoms, and in non-enumerated articles: But the 2d act of *Carl. 2.* declared, that the colonies should not import any commodity or manufacture of Europe, but such as was shipped in England, and proceeded directly to the colony; with some few exceptions: so that the valuable export productions of the colonies was confined to England, and they were obliged, not only to take English productions at English ports in return, but were compelled to procure the products and merchandize of other nations, at second hand from Great Britain, charged of course, with all the expenses of double voyages and profits.

This system of monopoly, both in the export and import trade of the colonies, which compelled them to send almost every commodity to, and buy every thing from England, was followed up, by various other acts and provisions.

As for instance, at a later period the colonies were allowed to export certain of the enumerated articles, to foreign places other than England, but in that case, an export duty or custom was to be paid to the English exchequer: thus in 1672 it was enacted, "That if any vessel which by law may trade in the plantations, shall take on board any enumerated commodities, and a bond shall not have been given with sufficient security to unlade them in England, there shall be rendered to his majesty, for sugars, tobacco, ginger, cocoanut, indigo, logwood, fastick, and cotton wool, the several duties mentioned in the law, to be paid in such places in the plantations, and to such officers as shall be appointed to collect the same: and for their better collection, it is enacted, that the whole business shall be managed, and the imposts be levied by officers appointed by the commissioners of the customs in England." This is the first act that imposed customs on the colonies alone, to be regularly collected by colonial revenue officers. But the best affected colonies, Barbadoes, Virginia and Maryland, considering the laws of trade either as inconsistent with their privileges, or destructive of their infant commerce, hesitated to obey, or eluded the provisions of the laws; and trafficked without restraint, wherever hope of gain directed their navigators. Charles II. reprimanded them, and his successors gave standing instructions upon this head, but without effect at that period." *Gord*

Some idea may be formed, of the vast profit which accrued to the English ship owner, merchant, and exchequer, by the monopoly of the tobacco trade only, so early as the middle of the last century; in the years 1744, 5 and 6, there was exported to England from the American colonies 40 millions lbs. of tobacco annually; 33 millions of which was re-exported to other countries, and paid a duty of 6d per lb. sterling on the export: Scotland exported 7 millions, paying the like duty; the amount of duties alone paid annually into the exchequer being a million of pounds sterling; beside all the mercantile profits, on the import, and exchange of English manufactures, in addition to which, it was re-exported by the same English monopolists, to every part of the continent of Europe, where it was bought up with the greatest avidity, and at prices which would now astonish us; the articles or commodities received in exchange, were imported into Great Britain, and actually exchanged for new importations of tobacco from America; the tobacco trade alone, also employed 25 thousand tons of British shipping in those years.

In 1696, "King William erected a new and standing council for commerce and plantations, commonly styled, The Lords Commissioners for Trade and Plantations. With this board, the governors of the American colonies were obliged to hold a constant correspondence, for the improvement of their respective governments; and to this board they transmitted the journals of their councils and assemblies, the accounts of the collectors of customs and naval officers, and similar articles of official intelligence.

"An act was also passed, for preventing frauds and regulating abuses in the Plantation Trade. It enacted, "that all ships, trading to or from our Asian, African, or American plantations or settlements, shall be English, Irish, or plantation built; and that their cargoes shall be either English, Irish, or plantation property, registered as such." The same act, in consideration, that the English North American colonies had of late become of much greater consequence than formerly, further enacted, 'that no charter proprietor of lands on the continent of America, shall sell or otherwise dispose of their lands to any but natural born subjects, without the king's license in council for that purpose.' To keep the proprietary governments in America the more under due subjection to the crown and kingdom of England, it also enacted, 'that all governors nominated by such proprietors, shall be allowed and approved of by the crown, and shall take the like oaths as are taken by the governors of the regal colonies, before they shall enter on their respective governments.' By another clause in the same statute it was enacted, 'that on no pretence whatever, any kind of goods from the English American plantations shall hereafter be put on shore, either in the kingdoms of Ireland or Scotland; without being first landed in England, and having also paid the duties there, under forfeiture of ship and cargo.' The parliament also passed an act, declaring that all by-laws, usages, and customs, which shall be in practice in any of the plantations, repugnant to any law made in the kingdom relative to the said plantations, shall be void and of no effect.

"From A. D. 1673, when the former standing council of commerce was dropped, until this time, all disputes and regulations, relative to commerce and colonies, were usually referred to committees of the privy council. This new board consisted of a first lord commissioner, who was usually a peer of the realm, and seven other commissioners, with a yearly salary of 1000l. each." *Holmes*.

What has been said will give some idea of the principle upon which these acts went, and the prodigious advantages Englishmen derived from them; and with what little reason, and equal

APPENDIX.—Part 1st.—Miscellaneous. (*Boston. Tea, Port act. 1773.*)

disregard of policy, she also insisted upon building up after the peace of 1763, a system of direct *taxation* upon the colonies, for the express purpose of a distinct American revenue: doubtless, *import duties* subsisted from the earliest periods: but they were light, were not imposed but at the ports, and were not collected as taxes.

The acts of trade previous to the 6 Geo. 2. 1733, (which last, is the leading one to American *taxation*, although classed among those of regulation) are the following, 12 Car. 2. c. 18.—15 Car. 2. c. 7.—22, 23 Car. 2. c. 26.—25 Car. 2. c. 7.—7, 8 W. 3. c. 22.—11 W. 3. c. 12.—3, 4 Ann. c. 5, 10.—6 Ann. c. 30, 37.—8 Ann. c. 13.—9 Ann. c. 17, 27.—10 Ann. c. 22, 26.—4 Geo. 1. c. 11.—8 Geo. 1. c. 12, 15.—13 Geo. 2. c. 5.—3 Geo. 2. c. 12, 28.—4 Geo. 2. c. 15.—5 Geo. 2. c. 7, 9.—and many others, after 1733. For further particulars on the laws of trade, see 4 Bac. Ab. by Wilson, p. 597,—and letter N. p. 741.

Note.—It is proper here to set right a very incorrect expression at p. 52. That the colonists, “could not build a ship, &c.” This must be taken figuratively: the effect of the navigation laws was to throw almost the whole of the carrying trade into the hands of British ship owners, as well as a great proportion of the *profits* of trade into the hands of British shippers, manufacturers, and the English *exchequer*, to the loss of the labouring planter and consumer, in the colonies.

No. 25. Privy Council—Cabinet Council &c.—Ministers &c.

Constant references are made, in the history of colonial transactions in civil and political affairs, to certain *jurisdictions* and *officers* in Great Britain. It would be difficult for persons wholly unacquainted with the powers and stations of the parties so often mentioned, to comprehend some parts of the provincial and revolutionary history, as sketched in these notes.

Any elucidation of *this* kind I am aware, must be superfluous to most of those, who look into the subject on this side of the Atlantick: there are doubtless however, some persons to whom a brief explanation, though of matters in general understood, may be acceptable, and even useful.

In the history of the Times, acts and things done in the “*Privy Council*,” in the “*Cabinet*,” and by “*ministers*” &c. in Great Britain, are referred to in almost every page. The following may be sufficient to render these allusions intelligible.

1. The “*PRIVY COUNCIL*” exercises various executive and judicial powers, under the British constitution: it is a great Council of *State* and *Judicature*; in which the *King* himself attends at his pleasure; or when he is not present, the matters debated, or agreed to there, are *reported* to him by the Lord President for his determination. It is always held in some one of his palaces, (1) when duly summoned by his command, or on certain days appointed for the transaction of particular business. All Ecclesiastical, Civil, Military and Naval appointments and promotions; Titles and honours in the King’s creation, are made and published as *done* by the *King* in his “*Privy Council*.” Before this body, the *King*, or his ministers, cause to be laid all proposed crown grants, patents, charters, jurisdictions, ordinances, proclamations &c. and generally all questions relative to affairs of state, foreign, domestic, or personal, or relative to war or peace, and comprehended within the vast Executive powers and prerogatives of the *King*, and on which it is proper to advise his majesty: his own judgment, after debate or report of the opinion of council, decides the question. The “*Council*” is but an *advisory* body; yet in point of fact, his opinion is generally directed by the *advice* of the Council, or the major part of it. And there is scarcely any act of the executive government, which either the king or his ministers do not lay before the *Privy Council*.

The “*LORD PRESIDENT of the Council*,” who is a high commissioned officer under the *King*, presides, (even when the *King* is present) and constantly attends the *King* at other times, to report the proceedings of Council on questions debated there, when the *King* is not present, or chooses to have a report of the case; which is commonly done in all judicial matters, and in questions relating to civil rights &c.

The “*LORD PRIVY SEAL*,” or keeper of the *King*’s seal, (as contra-distinguished from the Great Seal) sits next to him; the first Lord of the Treasury; Chancellor of the Exchequer; the Secretaries of State; Attorney and Solicitor General; the lord Chancellor; the Arch Bishop of Canterbury; Prince of Wales &c. are invariably on the list of this council, with other distinguished Peers, Commoners, private Gentlemen, and military and civil Officers. On all questions the names, *pro* and *con*, are inserted in the minutes, and every proceeding entered at large on the minutes. In debates when the *King* is present, he declares his judgment last; and “*thereby* the matter of debate is determined;”—see 4 Inst 52.—a very curious account of this ancient and great council of State, and which by lord Coke is denominated the “*Council Board*,” or “*Table*.”

Sir Wm. Blackstone in his 1. vol. p. 237, gives the following history of it; viz.

“*BUT THE PRINCIPAL Council* belonging to the *King*, is his ‘*Privy Council*,’ which is generally called, by way of eminence *the council*. And this, according to sir Edward Coke’s description of it, is a noble, honourable, and reverend assembly of the king, and such as he wills to be of his *privy council*, in the king’s court or palace. The king’s will is the sole constituent of a *privy council*: and this also regulates their number, which of ancient times was twelve or thereabouts. Afterwards it increased to so large a number, that it was found inconvenient for secrecy and despatch; and therefore king Charles the second in 1679 limited it to thirty: whereof fifteen were

(1) *St. James’s; Kensington; White-hall; & Westminster Hall.*

APPENDIX—Part 1st.—*Miscellaneous. Privy Council—Ministers, &c.*)

to be the principal officers of state, and those to be counsellors, *virtute officii*; and the other fifteen were composed of ten lords and five commoners of the king's choosing. But since that time the number has been much augmented, and now continues indefinite. At the same time also, the ancient office of lord president of the council was revived in the person of Anthony earl of Shaftsbury; an officer, that by the statute of 31 Hen. VIII. c. 10. has precedence next after the lord chancellor and lord treasurer.

"Privy counsellors are made by the king's nomination, without either patent or grant; and on taking the necessary oaths, they become immediately privy counsellors during the life of the king that chooses them, but subject to removal at his discretion.

"As to the *qualifications* of members to sit at this board; any natural born subject of England is capable of being a member of the privy council: taking the proper oaths for the security of the government, and the test for security of the church. But, in order to prevent any persons under foreign attachments from insinuating themselves into this important trust, as happened in the reign of king William in many instances, it is enacted by the act of settlement, that no person born out of the dominions of the crown of England, unless born of English parents, even though naturalized by parliament, shall be capable of being of the privy council.

"The *duty* of a privy counsellor appears from the oath of office, which consists of seven articles: 1. To advise the king according to the best of his cunning and discretion. 2. To advise for the king's honour and good of the publick, without partiality, through affection, love, meed, doubt, or dread. 3. To keep the king's council secret. 4. To avoid corruption. 5. To help and strengthen the execution of what shall be there resolved. 6. To withstand all persons who would attempt the contrary. And lastly, in general, 7. To observe, keep and do all that a good and true counsellor ought to do to his sovereign lord.

"The *power* of the privy council is, to inquire into all offences against the government, and to commit the offenders to safe custody, in order to take their trial in some of the courts of law. But their jurisdiction herein is only to inquire, and not to punish: and the persons committed by them are entitled to their *habeas corpus* by statute 16 Car. I. c. 10, as much as if committed by an ordinary justice of the peace: and, by the same statute, the court of starchamber, and the court of requests, both of which consisted of privy counsellors, were dissolved, and it was declared illegal for them to take cognizance of any matter of property, belonging to the subjects of this kingdom. But, in *plantation* or *admiralty causes*, which arise out of the jurisdiction of this kingdom; and in matters of *lunacy* or *idiocy*, being a special flower of the prerogative; with regard to these, although they may eventually involve questions of extensive property, the *privy council* continues to have cognizance; being the court of *appeal* in such cases; or, rather the appeal lies to the king's majesty himself in council. Whenever also a question arises between two *provinces* in America or elsewhere, as concerning the extent of their charters and the like, the king in his council exercises *original* jurisdiction therein, upon the principles of feudal sovereignty. And so likewise when any person claims an island or a province, in the nature of a feudal principality, by grant from the king or his ancestors, the determination of that right belongs to his majesty in council: as was the case of the Earl of Derby with regard to the isle of Man, in the reign of queen Elizabeth; and the earl of Cardigan and others, as representatives of the duke of Montague, with relation to the island of St. Vincent in 1764. But from all the dominions of the crown, excepting Great Britain and Ireland, an *appellate* jurisdiction (in the last resort) is vested in the same tribunal; which usually exercises its judicial authority in a *committee* of the whole privy council, who hear the allegations and proofs, and make their report to his majesty in council, by whom the judgment is finally given.

"The *dissolution* of the privy council depends upon the king's pleasure; and he may, whenever he thinks proper, discharge any particular member, or the whole of it, and appoint another. By the common law also, it was dissolved *ipso facto* by the king's demise; as deriving all its authority from him. But now, to prevent the inconveniences of having no council in being, at the accession of a new prince, it is enacted by statute 6 Ann. c. 7. that the privy council shall continue for six months after the demise of the crown, unless sooner determined by the successor."

II. The "CABINET COUNCIL" of ministers.

The "*Cabinet Council*" comprehends certain great executive officers of state, usually and technically styled the "KING'S MINISTERS." These are considered as the immediate advisers of the *King*, and the authors of all great political measures. They are therefore *personally* held responsible to parliament and the nation, for the fitness and consequences of all these publick measures, foreign or domestick; whether relating to War, Treaties, Justice, Finance, Trade &c. which proceed from the king or themselves.

The persons who *compose* the "*Cabinet*," or as they are commonly denominated "*Ministers*," are exclusively the following, viz:

The FIRST LORD of the TREASURY.
The CHANCELLOR of the EXCHEQUER.
The SECRETARY of STATE for the FOREIGN DEPARTMENT.
The SECRETARY of STATE for the HOME DEPARTMENT. (called *principal* Secretaries of State.)

The LORD PRESIDENT of the KING'S PRIVY COUNCIL.
The LORD PRIVY SEAL.
The FIRST LORD of the ADMIRALTY.
The LORD CHANCELLOR; and when that office is put in commission, the FIRST COMMISSIONER.

APPENDIX—Part 1st.—Miscellaneous. (*Privy Council—Ministers, &c.*)

The *Secretary at War*, is not I believe, one of the cabinet ministers. Nor the *Secretary for the Colonial Department*. I speak however with some uncertainty on this point, there may be one or more than those named, who according to settled usage, compose this council.

The *Cabinet* ministers meet occasionally and at various places, as convenience and exigencies require; and maintain personally and officially a close correspondence with the king and privy council, and are spoken of, and designated in all debates and state affairs as the "*confidential advisers of the crown*."

In this capacity, they are held answerable individually, for unconstitutional, arbitrary, weak, and pernicious councils and conduct: they may be *impeached* for these, by the house of commons, under the general allegation of "*high crimes and misdemeanors*;" and if convicted of corruption, or carrying through pernicious and injurious measures, may by the judgment of the house of peers be removed from office; disqualified from future employments, and be fined and imprisoned at discretion.

Indeed, this power in the house of commons to *impeach*, is universal, extending to every officer or individual subject in the nation, in parliament or out of it (especially where the *misdemeanor* is not an offence punishable at law;) though rarely exercised, and less rarely producing conviction and punishment. Private persons have been impeached by the house of commons, for public *misdemeanors*, not punishable by indictment; or where it was not easy to succeed in that way to suit the views of the party in power.(1)

The *Premier*, or First minister however, is generally considered in the political department, as personating all the rest; and if the British history is examined it will be found, if there be truth in parliamentary oppositions, that there has never yet been a *minister* who was not corrupt, weak, or tyrannical; or who had not betrayed, oppressed, or disgraced the nation.

In the "*Cabinet*" are always two, one in the house of peers, and one in the house of commons, who are *leading* ministers, and regularly bring forward all great state questions and cabinet measures, in those respective bodies, and support them; and to whom the two houses look for all proper information.

One of these again is distinguished, as the "*Premier*," or "*first*" minister of the crown, and is at the head of the administration: This rank belongs to the person, to whom is given by the king when he forms a ministry, the office of "*First Lord of the Treasury*."

The *PREMIER*, on whose continuance in office, that of the cabinet generally depends, is a peer, or commoner, at discretion:—and the *administration* of that period goes by his title, or name: as *Id. North's* administration, who was first lord of the treasury and in the house of commons, during the revolutionary war: and *Id. Rockingham's* administration, who became first lord of the treasury, and prime minister in the house of peers, in *March 1782*, when peace was resolved upon, and *Id. North* resigned. (2)

The reason of this is, that the *formation* of a ministry, when a change is to be made, is generally referred by the king, to the person who is to be the premier.

When the *premier* is in the house of lords, a *Secretary of State*, or the chancellor of the *exchequer*, who is then always 2d lord of the treasury, is the leading cabinet minister in the commons; but when the *premier* is in the house of commons, he is also generally, appointed chancellor of the exchequer; which is a separate and ancient office in the English treasury department; besides which, there is an office of Under treasurer, a newly created appointment, of importance in the treasury.

If the *premier* is in the house of commons, a *peer* is usually appointed one of the secretaries of state, and becomes the leading minister in the house of lords.

One further explanation seems material; mention is often made of the "*lords of the treasury*." These are 5 persons, (the number may vary,) of distinguished ability, who hold their offices by commission from the king; and the *first* mentioned in it is always *premier*, as before observed.

They fill the place of a great officer once known under the British constitution, who was called the "*lord high treasurer of England*;" and at the head of the whole treasury department:

(1) Thus in 1710, *Dr. Henry Sacheverell*, a divine, having preached a sermon which violently assailed the dissenters, reflected upon the Whig party in power, and inculcated high church doctrines, and of passive obedience and nonresistance—was impeached by the house of Commons, tried before the house of Lords, convicted, suspended from preaching for three years, and his sermon ordered to be burnt by the common hangman.

(2) In *Mar. 1782*, on the motion of *gen. Conway* in the house of commons, it was voted by a majority of 19, "that the war ought not to be continued." Upon which, the two posts *Id. North* had so long filled as 1st lord of the treasury, and *ch. of the exchequer*, were respectively transferred to the *marquis of Rockingham* in the house of peers, and *Id. John Cavendish*, of the commons house: *Mr. Fox* at the same time, succeeded *Id. Stormont*, as secretary of state for foreign affairs; and the earl of Shelburne, the earl of Hillsborough, in the home department: *Id. Camden* was appointed 1d president of the council: the duke of Grafton 1d privy seal: the duke of Richmond master of the ordnance: *gen. Conway* commander-in-chief of the army: *Id. Keppel* first 1d. of the admiralty.

The *marquis of Rockingham* died about 3 months afterwards; and was succeeded by the earl of Shelburne, who on the resignation of *Id. John Cavendish*, procured for *Mr. Wm. Pitt*, (son of the earl of Chatham,) the post of chancellor of the exchequer; To this ministry in *Ap. 1783*, succeeded the famous coalition cabinet of Fox and North; which was again displaced in *Dec. 1783*, when *Mr. Pitt* became prime minister, at the head of an entire new administration.

APPENDIX—Part 1st.—*Miscellaneous.* (*Privy Council—Ministers, &c.*)

This appointment has ceased, and instead of it, the *office* is granted by the king to 5 persons, styled "*commissioners*, for executing the office of lord high treasurer, &c."

They are called by courtesy, "*lords of the treasury*," but properly denominated "*commissioners of the treasury*."

Commissioners of the treasury, are most commonly, if not uniformly, (except the *premier*) appointed in the commons.

The *bench* or seat on which they sit, is called the "*treasury bench*," and the seats occupied by the ministerial party, on that side of the house, "*the treasury benches*."

We hear also of *lords* in the house of commons, as *ld. North*, *ld. John Cavendish*, *ld. Castle-reagh*; they are not peers, but commoners, and called lords by *courtesy*, as the eldest sons of peers, or on some other account.

The *coalition* ministry, (so named from the union of Fox and North,) came into power on the 2d. *Ap.* 1783, under the duke of *Portland* premier. Fox and North were made *secretaries* of state, and sat in the commons together: lord John Cavendish was appointed one of the lords of the treasury; and also chancellor of the exchequer.

On the 13th *Dec.* following, at midnight, the king dismissed this ministry; although their party composed a great majority in the house of commons: a new ministry was immediately declared, at the head of which was placed *Wm Pitt*, at the age of 24. The king then dissolved the parliament; and the nation sanctioned the king's conduct, by returning a house of commons in favour of the "*Pitt administration*."

The following is the *ministerial list* of appointments, as declared by the king "*in council*," on the dismissal of the coalition ministers: It is given merely in further elucidation of the subject of this note.

[*Dec.* 19, 1783.] NEW MINISTERIAL ARRANGEMENT.

MR. WILLIAM PITT, first Lord of the Treasury, and Chancellor of the Exchequer.	EARL GOWER, Lord President of the Council.
THE MARQUIS OF CARMARTHEN, Secretary of State for the Foreign Department.	DUKE OF RUTLAND, Lord Privy Seal.
LORD SIDNEY, Secretary of State for the Home Department.	LORD HOWE, first Lord of the Admiralty.
	LORD THURLOW, Lord Chancellor.

The above persons of course, formed the "*CABINET Council*;" The rest of the great officers, form part of the *ministerial* arrangement, but are not classed with the ministry: They were the

DUKE OF RICHMOND, Master-general of the Ordinance.

SIR GEORGE HOWARD, K. B. Commander in chief of the Forces.

THE MARQUIS OF GRAHAM, (*so called*),

JOHN BULLER, esq. } Lords of the Treasury.

ED. JAMES ELLIOT, esq. }

JOHN AUBREY, esq. }

LORD HOOD. }

HON. LEYTON GOWER. }

LORD APSLEY. }

HON. C. G. PERCIVAL. }

CHARLES BRETT, esq. }

THE HON. J. J. PRATT. }

LLOYD KENYON, esq. Attorney General.

RICHARD PEPPER ARDEN, esq. Solicitor General.

THE EARL OF SALISBURY, Lord Chamberlain of the Household.

DUKE OF CHANDOS, Lord Stewart of the Household.

LORD DE FERRARS, Captain of the Band of Gentleman Pensioners.

THE HON. WILLIAM WINDHAM GRENVILLE, Joint Paymaster of the Forces.

HENRY DUNDAS, esq. Treasurer of the Navy.

SIR GEORGE YNGE, Bart. Secretary at War.

GIBBS CRAWFORD, esq. Clerk of the Ordinance.

MR. ROSE. }

MR. STEELE. }

MR. BANKS, to be Private Secretary to MR. TREASURER PITT. } Secretaries of the Treasury.

JOHN ALDRIDGE, esq. Keeper of the Ordinance.

THOMAS BAILLIE, esq. Clerk of the Deliveries of the Ordinance.

LORD GRANTLY, Chancellor of the Duchy of Lancaster.

EARL BATHURST, Ranger of St. James' and the Green Parks.

DUKE OF DORSET, Ambassador at the court of France.

DANIEL HAILES, esq. Secretary to the French Embassy.

G. A. SELWYN, esq. Secretary and Register of Chelsea Hospital.

I have put down the *whole list*, in order to show what constitutes a pretty general turning out in a new ministerial *arrangement*: Subordinate officers, and even many great departments, are left untouched.

APPENDIX—Part 1st.—*Miscellaneous. (Massachusetts Circular Letter, 1768.)*

There is also a department, consisting of the "lords of trade and plantations," and a "secretary of state for the colonies," who usually holds both offices, of *first* lord of trade and secretary.

The *earl of Hillsborough*, was a long time first lord of the board of trade, and secretary of state for the colonies, preceding the revolution.

The only object of all this is, to make some things referred to in the notes, *somewhat* plainer than they would be without it.

Yet the matter stated, must be considered as an illustration, and not a full, or even accurate account, as far as it goes.

My information in regard to this complex system of the British *executive* government, is very incomplete, and even in the nomenclature of office, I am little versed.

No one, I hope, will imagine, that I have troubled myself in performing this humble task for any other reason, than the one mentioned. Most of my readers doubtless understand these mysteries better than I do myself, and must not be offended; but a few may require some key, however imperfect, and it is for these the exposition is made as well as I can do it, writing in haste, and destitute of precise information. Nothing but its having an intimate relation to many parts in the revolutionary history; could have induced me to spend the time, and pages devoted to it.

No. 26. Calendar. Dates.

Some confusion in the chronology of events, and understanding of *dates*, arises from "*old and new style*," and the alteration of the *beginning* of the year: For reasons not necessary to state in this place, an act of parliament passed in 1752, by which it was enacted, that *eleven* days should be left out of the month of *September* of that year; and accordingly, on the 2d of that month the old style ceased, and the *next* day instead of being the 3d, was called the 14th of *Sep.* By the same act, the *beginning* of the year was changed, from the 25th of *March*, (on which it begun before,) to the 1st of *January*.

This change in the beginning of the year, not being attended to, has occasioned no little trouble, even in some courts, to reconcile *apparent* anachronisms and inconsistencies, in titles, deeds antecedent to 1752. Thus a conveyance to *A. April 20, 1750*, and from *A. to B. Jan. 20, 1750*. It would seem (not adverting to the circumstance, that the year then begun in *Mar.*) that the deed from *A.* was prior to any title in him to the premises. Yet in reality the 20th of *April, 1750*, was *before* the 20th *Jan. 1750*.

No. 27. Taxation, 1696. 1702. p. 12.

The early pamphlets (1696,) there mentioned, were quoted by *Id. Camden* in 1766, in his great speech against the parliamentary right to tax the colonies: and it should be mentioned, that the *post office* act adverted to in the same page, was a *general* law including England, Scotland, Ireland, as well as the *North American colonies, and West Indies*, but the first which had been passed in respect of the colonies.

No. 28. Tea Act. 1767. p. 27.

The 2d act mentioned here, as passed *July 2, 1767*, is not to be confounded with the East India Co. tea bill, enacted in *June 1773* (See p. 57.) It had relation to inland duties, on teas consumed in England; and to the *draw back* of duties on all teas exported to Ireland, and America; but it was limited to 5 years, and expired before the new arrangement with the company in 1773. (See the act, *July 2, 1767, 10 Stat. 429. 7 Geo. 3. c. 57.*)

No. 29. Massachusetts Circular Letter. 1768. p. 35.

At this page is mentioned the circular letter from Massachusetts to the several colonies, on the subject of the revenue act of 1767, and American taxation; and at p. 37, allusion is made to the letter of the assembly to gov. *Bernard*, assigning their reasons for *refusing* to *rescind* the vote of the former house, relative to the circular; The whole of the letter to the governor cannot be inserted here, a few passages are given to exemplify the independent spirit of the assembly, and the peculiar force of their style, and reasoning employed on that occasion: "It is to us (say they,) incomprehensible, that we should be required, on the peril of a dissolution of the general court, to rescind a resolution of a former house, when it is evident, that that resolution has no existence but as a mere historical fact. Your excellency must know, that the resolution is, to speak in the language of the common law, not now executory, but to all intents and purposes executed. If, as is most probable, by the word *rescinding* is intended, the passing a vote in direct and express disapprobation of the measure taken by the former house, as illegal, inflammatory, and tending to promote unjustifiable combinations against his majesty's peace, crown, and dignity; we must take the liberty to testify and publicly to declare, that we take it to be the native, inherent, and indefeasible right of the subject, jointly or severally, to petition the king for redress of grievances; provided alway, that the same be done in a decent, dutiful, loyal and con-

APPENDIX—Part 1st.—Miscellaneous. (*Hutchinson Letters*, 1767.)

stitutional way, without tumult, disorder and confusion.—If the votes of the house are to be controuled by the direction of a minister, we have left us but a vain semblance of liberty.—We have now only to inform you, that this house have voted *not to rescind*, and that, on a division on the question, there were ninety two nays, and seventeen yeas.” (1)

No. 30. *Quebec Act*. 1774. p. 86.

The date, “June 22,” at this page, is the time when the Quebec bill passed: What follows under that date, is an account of the *previous* proceedings upon it in the house of commons, after May 18, when it came from the house of lords.

No. 31. *Hutchinson Letters*. p. 56, 60.

At these pages, certain letters of Thos. Hutchinson and Andrew Oliver, gov. and lt. governor of Massachusetts are mentioned: Some of them were written by Mr. Hutchinson whilst lt. gov., previous to his becoming governor in 1771; and by Mr. Oliver while secretary of state: and some of them after Mr. Hutchinson became governor, and Andrew Oliver lt. governor: The detection of the letters, was probably in the winter of 1772, and first acted upon by Massachusetts in the session begun May, 1773.

In addition to the notice taken of these letters at the above pages, the following extracts are copied from the appendix to Mrs. Warren's 1. vol. of the “Rise and progress of the American Revolution.”

Mr. Hutchinson's agency in persuading ministers to station troops at Boston in 1768, to enforce the revenue acts, is manifested by the extracts which succeed.

From Mr. Bollan to Mr. Hutchinson.

“Henrietta Street, August 11, 1767.

“Mr. Paxton has several times told me, that you and some other of my friends were of opinion, that standing troops were necessary to support the authority of the government at Boston, and that he was authorized to inform me this was your and their opinion. I need not say that I hold in the greatest abomination such outrages that have taken place among you, and am sensible it is the duty of all charter, or other subordinate governments, to take due care, and punish such proceedings; and that all governments must be supported by force, when necessary; yet we must remember how often standing forces have introduced greater mischiefs than they retrieved, and I am apprehensive that your distant situation from the centre of all civil and military power, might in this case, sooner or later, subject you to peculiar difficulties.

“When Malcom's bad behaviour made a stir here, a minister who seemed inclined to make use of standing forces, supposing this might not be agreeable to me, I avoided giving an opinion, which then appeared needless and improper, but afterwards, when it was confidently said, that preparations were making to send a considerable number of standing troops, in order to compel obedience, I endeavoured to prevent it.”

“Mr. Bollan goes on to observe, that ‘he had informed some influential gentlemen in England, that he had the highest reason to believe, that whoever should be instrumental in sending over standing troops to America, would be cursed to all posterity.’”

From Mr. Hutchinson to —————.

Boston, January, 1769.

“DEAR SIR,

“I sent you under a blank cover, by way of Bristol and Glasgow, the account of proceedings in New York assembly, which you will find equal to those of the Massachusetts. Perhaps if they had no troops, the people too would have run riot as we did. Five or six men of war, and three or four regiments, disturb nobody but some of our grave people, who do not love assemblies

(1) “Nothing is so propitious to eloquence, as liberty. The remarks of Longinus on this subject, toward the close of his *Treatise on the Sublime*, will naturally occur to the classical reader, while attending to the writings and speeches of the colonists, from this period to the Declaration of American Independence. A writer in the *London Magazine* of 1768, having mentioned the Circular Letter of Massachusetts, and the proceedings of that colony in June, observes: “There is such just and cogent reasoning, such a spirit of liberty, breathes through the whole of the American productions, at this time, as would not have disgraced ancient Greece or Rome, when struggling against oppression.” Holmes.

APPENDIX—Part 1st.—*Miscellaneous. (Hutchinson Letters.)*

and concerts, and cannot bear the noise of drums upon a Sunday. I know I have not slept in town any three months these two years, in so much tranquillity, as I have done the three months since the troops came." (1)

The following were written after the partial repeal of the act of 1767, to encourage ministry to commence and persevere in a plan of radical changes in the governments of the colonies, in order to keep down future opposition, and the growing spirit of independence.

From gov. Hutchinson to gov. Pownall. (2)

"It is uncertain on what occasion the following assertion was made, but it discovers the spirit and wishes of the writer.

"Boston, June 22, 1772.

"The union of the colonies is pretty well broke; I hope I shall never see it renewed. Indeed our 'sons of liberty' are hated and despised by their former brethren in New York and Pennsylvania, and it must be something very extraordinary ever to reconcile them."

From gov. Hutchinson to _____.

"Boston, August 27, 1772.

"But before America is settled in peace, it would be necessary to go to the bottom of all the disorder, which has been so long neglected already. The opinion that every colony has a legislature within itself, the acts and doings of which are not to be controuled by parliament, and that no legislative power ought to be exercised over the colonies, except by their respective legislatures; gains ground every day, and it has an influence upon all the executive parts of government. Grand juries will not present; petit juries will not convict, the highest offenders against acts of parliament; our newspapers publicly announce this independence every week; and, what is much more, there is scarce an assembly which has not done it at one time or another. The assembly of this province has done as much the last session by their publick votes and resolves, and by an address which they have sent to doctor Franklin, to be presented to the king; so there is sufficient grounds for parliament to proceed, if there is a disposition. What, it will be said, can be done? A test as general as the oaths required instead of the oaths of allegiance and supremacy, would be most effectual: but this there is reason to fear would throw America into a general confusion, and I doubt the expediency. But can less be done than affixing penalties, and disqualifications or incapacities, upon all who by word or writing shall deny or call in question the supreme authority of parliament, over all parts of the British dominions? Can it be made necessary for all judges to be under oath, to observe all acts of parliament in their judgments? And may not the oaths of all jurors, grand and petit, be so framed as to include acts of parliament as the rule of law, as well as law in general terms? And for assemblies or bodies of men, who shall deny the authority of parliament, may not all their subsequent proceedings be declared to be *ipso facto* null and void, and every member who shall continue to act in such assembly be subject to penalties and incapacities? I suggest these things for consideration. Every thing depends upon the settlement of this grand point. We owe much of our troubles to the countenance given by some in England to this doctrine of independence. If the people were convinced that the nation with one voice condemned the doctrine, or that parliament at all events, was determined to maintain its supremacy, we should soon be quiet. The demagogues who generally have no property, would continue their endeavours to inflame the minds of the people for some time; but the people in general have real estates, which they would not run the hazard of forfeiting, by any treasonable measures. If nothing more can be done, there must be further provisions for carrying the act of trade into execution, which I am informed administration are very sensible of, and have measures in contemplation. Thus you have a few of my sudden thoughts, which I must pray you not to communicate as coming from me, lest I should be supposed here to have contributed to any future proceedings respecting America. I have only room to add that I am, with sincere respect and esteem,

"Your's, &c."

"Boston, December 8, 1772.

"TO MR. JACKSON.

[Private.]

"DEAR SIR,

"They succeed in their unwearied endeavours to propagate the doctrine of independence upon parliament, and the mischiefs of it every day increase. I believe I have repeatedly mentioned to you my opinion of the necessity of parliament's taking some measures to prevent the spread of this doctrine, as well as to guard against the mischiefs of it. It is more difficult now, than it was

(1) *The troops arrived, last of Sep. 1768. See p. 39. (2) Gov. of Massachusetts from 1757 to 1760.*

APPENDIX—Part 1st.—Miscellaneous. (*Hutchinson Letters*.)

the last year, and it will become more and more so every year it is neglected, until it is utterly impracticable. If I consulted nothing but my own ease and quiet, I would propose neglect and contempt of every affront offered to parliament by the little American assemblies, but I should be false to the king, and betray the trust he has reposed in me. * * * * *

You see no difference between the case of the colonies and that of Ireland. I care not in how favourable a light you look upon the colonies, if it does not separate us from you. You will certainly find it more difficult to retain the colonies, than you do Ireland. Ireland is near and under your constant inspection—All officers are dependent, and removable at pleasure. The colonies are remote, and the officers generally more disposed to please the people than the king, or his representative. In the one, you have always the *ultima ratio*; in the other, you are either destitute of it, or you have no civil magistrate to direct the use of it. Indeed, to prevent a general revolt, the naval power may for a long course of years be sufficient, but to preserve the peace of the colonies, and to continue them beneficial to the mother country, this will be to little purpose: but I am writing to a gentleman who knows these things better than I do."

"*Boston, January, 1773.*

"JOHN POWNALL, ESQ.

"MY DEAR SIR,

"I have not answered your very kind and confidential letter of the 6th of *October*. Nothing could confirm me more in my own plan of measures for the colonies, than finding it to agree with your sentiments. You know I have been begging for measures to maintain the supremacy of parliament. Whilst it is suffered to be denied, all is confusion, and the opposition to government is continually gaining strength."

"*Boston, April, 19, 1773.*

"JOHN POWNALL, ESQ.

"DEAR SIR,

"Our patriots say that the votes of the town of Boston, (1) which they sent to Virginia, have produced the resolves of the assembly there, appointing a committee of correspondence; and I have no doubt it is their expectation, that a committee for the same purpose will be appointed by most of the other assemblies on the continent. If any thing therefore be done by parliament respecting America, it now seems necessary that it should be general, and not confined to particular colonies, as the same spirit prevails every where, though not in the like degree."

"*Boston, October 18, 1773.*

"JOHN POWNALL, ESQ.

[*Private.*]

"DEAR SIR,

"The leaders of the party give out openly that they must have another convention of all the colonies; and the speaker has made it known to several of the members, that the agent in England (2) recommends it as a measure necessary to be engaged in without delay, and proposes, in order to bring the dispute to a crisis, that the rights of the colonies should be there solemnly and fully asserted and declared; that there should be a firm engagement with each other, that they will never grant any aid to the crown, even in case of war, unless the king and the two houses of parliament first recognize those rights; and that the resolution should be immediately communicated to the crown; and assures them, that in this way they will finally obtain their end.

"I am not fond of conveying this sort of intelligence; but as I have the fullest evidence of the fact, I do not see how I can be faithful to my trust and neglect it; therefore, though I consider this as a private letter, yet I leave it to you to communicate this part of it, so far as his majesty's service may require, and as I have nothing but that in view, I wish it may go no further. The measure appears to me, of all others, the most likely to rekindle a general flame in the colonies."

"The above extracts were taken from governor Hutchinson's letter book, found after he repaired to England, (3) deposited in a secret corner of his house at Milton. If the reader wishes a further gratification of his curiosity in regard to the subtle stratagems of Mr. Hutchinson, he is referred to the whole collection, as published in England." *Warren.*

The following relate to the burning of the *Gaspee*. Mr. *Hutchinson* seems to have been very active in this affair.—

(1) See p. 54, 262. (2) Mr. Franklin: This was eventually brought about in Sep. the year following. (3) Summer of 1774.

APPENDIX—Part 1st.—Miscellaneous. (*Hutchinson Letters.*)

Governor HUTCHINSON to Admiral GAMBIER.

Boston, June 30, 1772.

"DEAR SIR,

" * * * * * Our last ships carried you the news of the burning of the Gaspee schooner at Providence. I hope if there should be another like attempt, some concerned in it may be taken prisoners and carried directly to England. A few punished at Execution Dock, would be the only effectual preventive of any further attempts. * * * * *

On the same subject, to secretary Pownall.

"Boston, August 29, 1772.

"DEAR SIR,

"I troubled you with a long letter the 21st of July. Give me leave now only to add one or two things which I then intended, but to avoid being too tedious, omitted. People in this province, both friends and enemies to government, are in great expectations from the late affair at Rhode Island of burning the king's schooner, and they consider the manner in which the news of it will be received in England, and the measures to be taken, as decisive. If it is passed over without a full inquiry and due resentment, our liberty people will think they may with impunity commit any acts of violence, be they ever so atrocious, and the friends to government will despond, and give up all hopes of being able to withstand the faction. The persons who were the immediate actors, are men of estate and property in the colony. A prosecution is impossible. If ever the government of that colony is to be reformed, this seems to be the time, and it would have a happy effect in the colonies which adjoin to it. Several persons have been advised by letters from their friends, that as the ministry are united, and opposition at an end, there will certainly be an inquiry into the state of America, the next session of parliament. The denial of the supremacy of parliament, and the contempt with which its authority has been treated by the Lilliputian assemblies of America, can never be justified or excused by any one member of either house of parliament. * * * * *

"Boston, September 2, 1772.

"SAMUEL HOOD, ESQ.

"DEAR SIR,

"Captain Linzee can inform you of the state of Rhode Island colony better than I can. So daring an insult as burning the king's schooner, by people who are as well known as any who were concerned in the last rebellion, and yet cannot be prosecuted, will certainly rouse the British lion, which has been asleep these four or five years. Admiral Montague says, that lord Sandwich will never leave pursuing the colony, until it is disfranchised. If it is passed over, the other colonies will follow the example." see p. 55. 261, 2.

No. 33. *Colony memoirs, from 1763 to 1775.*

There is yet wanting a historical account of transactions, in the 13 colonies separately collected, and strictly confined to the political controversies with Great Britain, between 1763 and 1775, inclusive; after that all questions about colonial *rights* ceased, and the struggle became a *continental* war for independence.

The information belonging to the interval referred to, preceeding the meeting of the 2nd congress, might be classed under four heads.

1st. *PARLIAMENTARY and ministerial* acts; as votes, laws, instructions, correspondence &c. in *Great Britain*: *public* acts in the colonies; such as speeches, messages, correspondence, &c. of *governors*; *Answers*, protests, resolutions, votes &c. of *ASSEMBLIES*; and generally all other publick, official, diplomattick, or state papers, on the subjects of controversy between the constitutional authorities.

2d *head*. Acts and proceedings of *PROVINCIAL CONGRESSES*; conventions; publick meetings &c. their Declarations, Resolves, correspondence, instructions, &c. and whatever was done of importance, in, or under these *popular* and occasional *bodies*; in opposition to the measures of Great Britain, or her royal authorities here; and to obtain redress of grievances.

3d *head*.—"PERSONAL MEMOIRS;" comprehending biographical notices, of leading characters and politicians on both sides: including an account of authors, and celebrated writings on the points in controversy; also remarkable speeches, addresses, &c. and whatever else is of consequence enough, to be communicated, in reference to individual conduct.

4th *head*.—As a branch of the last head, (but subordinate;) *NARRATIVES* of *popular* acts, either of force or prevention; in order to defeat obnoxious measures of government, or in execution of some particular scheme of resistance or resentment; and the results.

APPENDIX—Part 1st.—*Miscellaneous. (Colony Memoirs.)*

Of course, the various matters comprehended under the foregoing heads, to be made intelligible by a due arrangement, and connexion in reference to the periods of time, subjects and occasions, to which they properly belong; forming what may be denominated "Political memoirs of the times, from 1763, to May 1775, inclusive."

A compilation confined to this space of time, and merely to the *political* controversies which subsisted with England, or her royal agents here, would seem necessary to illustrate and complete our revolutionary annals.

No general history of a colony, or of the country at large, can be expected to contain this interesting information, with any approach towards a complete development. Most of the materials can only be obtained after diligent search, within the proper limits of the colony where the affairs happened. No general historian has pretended to give any clear and full account of these political and personal memoirs, in any one colony, much less in all.

A few state papers and publick acts, and some disjointed particulars belonging to this branch of our history, are to be found in every book; but most of these loosely abridged or referred to, but nothing like a *whole*.

Whatever is now extant, of the *particular* political history of men and things in each colony between 1763, & 1775, is preserved in *Gordon*; exhibited in no very clear arrangement, and far less tolerable style. Almost every writer since, has drawn from this stock, with little improvement or addition, except in giving to it a more engaging form.

Even Dr. *Gordon's* notices are principally confined to Massachusetts and Virginia, those resplendent luminaries in the political firmament of the times, which led and lighted the way to liberty and independence.

It is not too late to attempt a more complete collection in this department; nor has the time elapsed, in which it would be useful, or at least interesting to the *present* generation. Many thousands are living, to whom these memoirs might afford delightful retrospections upon parts performed by their immediate progenitors, and deceased relatives.

As matter of history, it should be rescued from oblivion; much may even now be irrecoverable; yet enough saved to form a tolerable chain of actions and events during that period; one not indeed of war, but of oppression and suffering, which required and called forth the most exalted virtues and patriotism to endure and resist.

By such a memoir of the times, *each* one of the "OLD THIRTEEN," might become possessed of a sort of "family record," handing down to posterity, the meritorious deeds of ancestors, from whom it inherits the blessings of "Peace, Liberty and Independence."

A work of this kind, would doubtless also, leave less room for comparisons, if not invidious, at least in some instances, not justified by facts in reference to personal character, patriotism, and effort in the several colonies, in periods prior to the breaking out of the war.

The thing most to be feared in such a book of *colony* affairs, within the prescribed period is, that it would dilate into *general* history; be overcharged with *biographical* detail; or too much lengthened by *minute* occurrences, and proceedings of little importance.

Doubtless, it is an undertaking which requires nice discrimination, and much judgment. But it would be better to have an indifferent book of this kind than none at all: it must preserve the memory of many persons and actions, which will soon be lost; these might then if necessary, be put into some better condition.

A late volume of *Massachusetts* "State Papers," highly commended in the "N. A. Review, vol. 2 new series," may furnish a useful model in some respects, for such a collection of publick documents, personal memoirs, and popular proceedings of a political kind, relative to colonial rights, as is wanted for each colony, in the interval between 1763 and 1775. Mr. *Wirt's* "life of P. Henry" might also afford some hints in regard to the materials which could be properly introduced in such a work, falling under some one or more of the four heads first mentioned.

The biographical portion of this last book however, cannot be a model for the matter of the same kind in the proposed collection, being far too discursive, though it may be thought proper enough in a work, devoted to display the talents and actions of some one eminent character.

I repeat, that such a compilation ought to be made for *each* of the colonies, in a distinct volume, and by some qualified compiler within the state. Wanting such a record of local affairs, must be my apology for the omission to notice many transactions in several colonies, previous to the 2d Congress in May, 1775, (when in reality the civil war had begun by the battle of Lexington in April preceding,) which equally deserves a place in any history of the times.

It may be remarked however in general, that they followed in the steps of Massachusetts and Virginia, with slight variations, which peculiar circumstances made necessary.

APPENDIX, PART II.

Colony transactions continued from p. 98.

The *general* history of the disputes between the Colonies and England, was brought in these notes to the meeting of the *first* congress, *Sep. 5. 1774*, (see p. 101.) Their proceedings are detailed from that period to *Oct. 26*, and immediately consequent upon those, the *parliamentary* transactions down to *May 1775*. (see p. 196.)

The *second* congress met precisely in this month, whose acts, and subsequent events from that time, will immediately follow this *second* part of the *appendix*.

The particular object of this part is, to bring into view what had transpired in the colonies after the meeting of the first congress, and up to the time of the *second*, a space of 7 months. These events are very important, but could not be carried on after the first congress took up the controversy with England in *Sep. 1774*, as a *continental* question, without some confusion in the general history.

After detailing these *local* occurrences up to *May 10, 1775*, I shall then proceed from that period with the continental measures, as pursued by the 2d congress. (See note to the reader, p. 200.)

It will be remembered, that when the *first* congress met (*Sep. 5, 1774*), in order to deliberate on the state of the nation, that Gen. *Gage* was fortifying Boston neck, and giving other demonstrations of future hostility, very alarming to the citizens of that town, and the people of Massachusetts: this occasioned the *Suffolk* county meeting and resolves, (*Sep. 6*), which were transmitted to congress and acted upon, with other grievances affecting the colonies, in the manner already stated.

The reader therefore will recur to p. 98, *Sep. 6, 1774*, from which date, it is the purpose of this note to continue the narrative of important *provincial* occurrences to *May 10, 1775*.

[*1774. Sep.*] NOTWITHSTANDING the ferment which prevailed respecting the alteration of the charter in the spring of this year, and the declared purpose of the people of Massachusetts never to submit to any authorities under it; Gen. *Gage* soon after the *Suffolk* county resolves, with the advice of his new council, (appointed by the king's mandamus in virtue of the new modelled government), issued writs for choosing the first assembly under it, to meet at *Salem, Oct. 5. (1774)*

Discovering however, the temper of the colony, he thought it expedient to counter-act the effect of this imprudent step by a proclamation, *suspending* the meeting of the members returned. The *Suffolk* county meeting of *Sep. 6*, had recommended the choice of a Provincial congress, to convene at *Salem* on the 2d tuesday in *Oct.* (see p. 109, *resolut. 16*) It was with a view of precluding the necessity of such a body, that the Governor had called this assembly, and appointed their meeting at *Salem* the week before that fixed for the congress.

The people obeyed the writs for choosing representatives for the assembly, but every where chose the *same persons* they had elected as delegates to the congress.

Therefore, notwithstanding the proclamation, the new members to the number of 90 met at *Salem Oct. 5*, agreeably to the precepts. The members also, of the *old* Charter council, (by concert,) assembled at the same time and place. The design was, to proceed to business under the *old* charter as still in force: if the Governor refused to act, to consider him as *absent* from the province, in which case, the charter provided that 15 of the council assenting to a bill, it should be as valid, as if signed by the Governor. This scheme of the assembly acting under the *old* charter, when met, wholly regardless of parliamentary alterations, with other circumstances, doubtless occasioned the proclamation.

[*Oct. 5.*] The assembly nevertheless convened, and waited that day without the presence of the governor, or any substitute from him to administer the oaths or open the session; the next day [*Oct. 6.*] a committee was appointed to consider the proclamation. Relinquishing however the idea of proceeding under the old charter, on the next day, [*Oct. 7.*] this body resolved itself into a *provincial congress* to be joined by such others, as "have been or shall be chosen; to take into consideration the dangerous and alarming situation of public affairs."

[*Oct. 8.*] They met in congress, and adjourned to *Concord*, 18 miles N. W. from Boston, and there chose *John Hancock* president. A committee was then appointed to "wait upon the governor with a remonstrance, in which they apologize for their meeting, from the distressed state of the colony; express the grievous apprehensions of the people; assert that the rigour of the Boston port-bill is exceeded by the manner in which it is carried into execution; and complain of the late laws, as not only abridging the rights of the people, but a licence for murders; of the number of troops in the capital daily increasing, by accessions drawn from every part of the continent, and the hostile preparations at Boston Neck. They conclude with adjuring him to desist immediately, from the construction of the fortress at the entrance into Boston, and to restore that pass to its natural state. The governor was involved in some difficulty as to giving them an answer, for he could not acknowledge the legality of their assembly. Necessity however prevailed. He expressed great indignation at the idea's being formed, that the lives, liberties, or property of any people, except avowed enemies, could be in danger from English troops; and observed, that notwithstanding the enmity shown to the troops, by withholding from them almost every thing necessary for their preservation, they had not yet discovered the resentment which might justly have been expected to arise from such hostile treatment. He reminded them, that while they complained of alterations made in their charter by acts of parliament, they were themselves, by their present assembling, subverting that charter, and now acting in direct violation of their own constitution; he therefore warned them of the rocks they were upon, and to desist from such

APPENDIX—Part 2nd.—(*Colony transactions from Sep. 1774 to May 1775.*)

illegal and unconstitutional proceedings. But they were not in the least diverted from prosecuting their measures. They adjourned to, and met at Cambridge [Oct. 17.]

"[Oct. 21.] A committee was appointed to draw up a plan for the immediate defence of the province. It was concluded to raise and enlist a number of minute-men, now for the first time so called, from their being to turn out with their arms, at a minutes warning."

They then proceeded to nominate a "committee of safety" and a "committee of supplies." The first was empowered to assemble the militia, when they should judge the same necessary, and invested with other powers, for the defence of the inhabitants, and province. The other committee to assist the first, and to purchase necessary supplies for the militia when in service: these committees to sit in the recess, or during the non-existence of a provincial congress.

[Oct. 27.] The congress elected the hon. *Jedediah Preble*, hon. *Artemas Ward*, and col. *Seth Pomeroy*, who had served in the last war, general officers, to command the militia and minute men, when called into action; after which [Oct. 29,] they adjourned to Nov. 22.

On the approach of winter, gen. Gage had ordered "temporary barracks to be erected for the troops, partly for their security, and partly to prevent the disorders which, in the present temper of parties, would unavoidably have resulted from quartering them in the town. Such, however, was the detestation in which they were held, and the dislike to see them provided for in any manner, that the select men and committees obliged the workmen to quit the employment, although they were paid for their labour by the crown, and although employment was at that time with difficulty obtained. He was not much more successful in his endeavours to engage carpenters in New York, and it was with considerable difficulty that these temporary lodgments were erected.

"The agency for purchasing winter covering for the troops, was offered to almost every merchant in New York; but such was the danger of engaging in so obnoxious an employment, that not only those who were sincerely attached to the resistance now made by America to the views of administration, but those also, who were in secret friendly to those views, refused undertaking it, and declared 'that they never would supply any article for the benefit of men, who were sent as enemies to their country.' Marshall.

On the other hand, the Massachusetts committees of safety and supplies, took measures to provide ammunition, arms, provisions and warlike stores; which were deposited at Worcester, and Concord, ready for use, if they should be obliged to take up arms in defence of their rights.

Every thing now served to increase "the mutual apprehension and animosity between the government and the people. Those of Boston professed to be under no small terror, from an apprehension of danger to their property, liberties, and lives. The soldiers, on the other hand, considered themselves in the midst of enemies. Each side made profession of the best intentions in the world for its own part, and showed the greatest suspicion of the other. In this state of doubt and profession, matters were made still worse by a measure which seems not of sufficient importance in its consequences, to justify its having been hazarded at so critical a season. This was the landing of a detachment of sailors by night, from the ships of war in the harbour, who spiked up all the cannon upon one of the batteries belonging to the town.

In the mean time, through the disposition and promptitude of the people, the resolutions and recommendations of the provincial congress, had all the weight and efficacy of laws.

[Nov. 10.] At length the governor was induced to issue a proclamation, in which they were charged with proceedings generally understood as tantamount to treason and rebellion; The inhabitants were accordingly prohibited in the king's name, from complying in any degree with the requisitions, recommendations, directions, or resolves of that unlawful assembly." (1)

[Nov. 23.] The provincial congress again met, and conceiving it necessary that a body of troops should be organized; resolved to raise 12 thousand men, "to act upon any emergency; and directed that a quarter of the militia should be enlisted as minute-men, who were allowed the liberty of choosing their own officers, and were to receive pay. They sent persons to New-Hampshire, Rhode Island, and Connecticut, to acquaint them with what was doing, and to request that they would prepare their respective quotas to make up an army of 20,000 men when wanted. Upon this a number of gentlemen were sent from these colonies, to consult and settle with a committee of about twenty, chosen by the congress for the purpose. There was a difficulty about fixing what should be the precise period for opposing general Gage's troops; at length it was determined, that they should be opposed whenever they marched out with their baggage, ammunition, and artillery; for this would carry in it an apparent intention of acting hostilely in support of British measures." (2)

(1) To which not the least regard was paid by the congress, or people, who considered the congress as the only existing legislative government. See p. 275 a similar proc.

(2) Dr. Gordon gives the following anecdote relative to the method of cure prescribed by Mr. S. Adams, for certain faint hearted members, in this convention. "When the provincial congress met again, having Mr. Samuel Adams present with them, they pushed their preparations for hostile opposition. These exertions suited not the feelings of many in congress. Through timidity they began to sicken at heart, and upon the plea of sickness begged leave to return home, and were indulged. Mr. S. Adams penetrated the cause of their complaint; and in order to stop the epidemical distemper, expressed his great willingness, that when members were not well, they should be allowed to return, but proposed that they should be enjoined, upon getting back to inform the towns that they were no longer represented, that so others might be sent to supply their absence. The proposal soon cured the malady; for the disordered chose to remain in congress, rather than incur the displeasure of their constituents, and be supplanted by new successors."

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(Dr. Gordon mentions, that on the 5th of this month [Nov.] the Virginia militia officers convened at Fort Gower, and have shown "what may be expected from them; for though they resolved to bear the most faithful allegiance to his majesty, they declared that the love of liberty and attachment to the real interests and just rights of America, outweighed every other consideration, and that they would exert every power within them for the defence of American liberty, when regularly called forth by the unanimous voice of their countrymen.")

[Dec. 5.] The congress appointed delegates to the 2d continental congress, (See post. meeting of congress, May 10, 1775.)

"[Dec. 6.] A committee was appointed to correspond with the inhabitants of Canada; and it was also resolved, that the following letter be addressed to the several ministers of the gospel, within this province:

"REV. SIR,

"We cannot but acknowledge the goodness of Heaven, in constantly supplying us with preachers of the gospel, whose concern has been the temporal and spiritual happiness of this people. In a day like this, when all the friends of civil and religious liberty are exerting themselves, to deliver this country from its present calamities, we cannot but place great hopes in an order of men, who have ever distinguished themselves in their country's cause; and do therefore recommend to the ministers of the gospel, in the several towns and other places in this colony, that they assist us in avoiding, that dreadful slavery with which we are now threatened."

[Dec. 8.] After electing cols. *Thomas* and *Heuth*, brigadier generals, they dissolved; to be at home in time, as Mr. Gordon observes, "'to keep thanksgiving' with their families, the day for appointing which belonged, in an orderly way, to the governor; but in these extraordinary times, the provincial congress appointed the thanksgiving, on which among other enumerated blessings, a particular acknowledgment was to be made to the Almighty, for the union which so remarkably prevails in the colonies."

[Dec. 12.] At a meeting of deputies from the several counties in *Maryland*, held by adjournment at *Annapolis*, from Dec. 8, to Dec. 12: delegates were appointed to the ensuing congress: as Mr. Gordon observes they were no less zealous "on the present critical occasion, than those of the most active provinces. They were all in motion, forming county meetings, entering into associations, choosing committees, and recommending measures for carrying the resolutions of the continental congress into effectual execution. The convention has appointed a sum of money for the purchase of arms and ammunition—every person who refuses to contribute to the purchase, is deemed an enemy to his country. Many of the principal gentlemen are ambitious of appearing in arms to defend its liberties: they have taken the power of the militia out of the hands of the governor, and established it by their own authority, for the defence of Massachusetts as well as of themselves; and thus have shown to all the world, their approbation of New England measures."

Delaware pursued the same course of preparation.

In *Rhode Island*, on receiving an account of the royal proclamation (1) which had recently been issued "prohibiting the exportation of military stores from Britain, the people seized upon and removed from the batteries about the harbour, above forty cannon of different sizes. (2) The assembly also passed resolutions, for procuring arms and military stores by every mean, and from every quarter in which they could be obtained, as well as for training and arming the inhabitants."

[Dec. 14.] In *New Hampshire*, (where great moderation had hitherto prevailed,) when copies of the proclamation, and these resolutions arrived there, more "than four hundred men collected, and beset his majesty's castle at Portsmouth. (3) Captain Cochran, who commanded, ordered three four pounders to be fired on them, and then the small arms; before he could be ready to fire again, the fort was stormed on all quarters, and the assailants immediately secured both him and his men, and kept them prisoners about an hour and a half, during which they broke open the powder house, took all the powder away, except one barrel, and having put it in boats, sent it off."

[Dec. 15.] The assembly of *Pennsylvania*, ratified unanimously all acts of the general congress, and appointed deputies on the part of that province, in the congress to be held in May following: This was the first constitutional house of representatives that ratified the acts of the general congress.

"[1775 Jan. 11.] The general committee in Charleston, *South-Carolina*, convened a provincial congress, and procured a return of representatives from every parish and district in the colony, by which means the body consisted of more than two hundred, while the constitutional assembly amount to no more than forty-nine. The increase of the representatives naturally served the

(1) The king, by virtue of certain statutes is vested with a standing power, to prohibit the exportation of arms and ammunition. Vi. 1 R. Com. p. 275. (2) A captain "of a man of war, having waited upon the governor to inquire into the meaning of this procedure, was informed with great frankness, that the people had seized the cannon to prevent their falling into the hands of the king's forces; and that they meant to make use of them to defend themselves against any power that should offer to molest them." (3) A small fort, called Wm. and Mary, considerable only as being the object of the first movement in the colony.

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cause of the country, by engaging a greater number of leaders in support of it. This first provincial congress met on Thursday; they unanimously approved the proceedings of the general congress, and resolved to carry them into execution. Committees of inspection and observation were appointed, to see that the publick resolutions were universally obeyed, that so they may not be broken through by the selfishness of individuals. This was the prevailing mode of guarding against such selfishness in every colony."

[Jan. 23.] A convention met at Philadelphia for the colony of *Pennsylvania*, among whom were, Mr. *Cha. Thomson*, and *Thomas Mifflin*: This body acted with the greatest spirit and effect, in sustaining the ground taken by congress; and among other proceedings resolved "That if the petition of the continental congress should be disregarded, and the British administration determine by force, to effect a submission to the late arbitrary acts of the British parliament; in such a situation, we hold it our indispensable duty to resist such force, and at every hazard to defend the rights and liberties of America." The convention likewise recommended in particular the making of salt, gun-powder, salt-petre, and steel. (1)

Mr. *Ramsay*, speaking of this convention, observes of the various "instructions on this occasion, those which were drawn up by a convention of delegates, from every county in the province of *Pennsylvania*, and presented by them in a body to the constitutional assembly, were the most precise and determinate. By these it appears, that the *Pennsylvanians* were disposed to submit to the acts of navigation, as they then stood; and also to settle a certain annual revenue on his majesty, his heirs and successors, subject to the control of parliament, and to satisfy all damages done to the East-India company; provided their grievances were redressed, and an amicable compact was settled, which, by establishing American rights in the form of a new magna charta, would have precluded future disputes." *Ramsay*

[Jan. 25.] A convention of deputies was held at *Exeter* for the province of *New Hampshire*, the proceedings of congress approved, and delegates appointed to the ensuing one; and on the 27th the legislature being in session, in reply to a letter from *Maryland* they say "You may depend upon the ready concurrence of this house, with the measures thought necessary to be pursued by the other colonies in the great cause of liberty." *Gord.*

[Feb. 1.] A new provincial congress of *Massachusetts* met at Cambridge, and again chose Mr. *Hancock* president; in about a fortnight they adjourned to *Concord* for the purpose of greater personal security, and to be less incommoded by any measures of the governor.

The royal proclamation, prohibiting the exportation of military stores from Great Britain, his majesty's speech, and the addresses of the new parliament, seemed to cut off all hopes of reconciliation, more especially in New England.

"They had flattered themselves that the union of the colonies, the petition of congress to the king, and the address to the people of Great Britain, would have produced some happy effects; but the measures now adopted, in a great measure removed the delusion. The new provincial congress of *Massachusetts* published a resolution, informing the people, that from the disposition manifested by the British parliament and ministry there was real cause to fear, that the reasonable and just applications of the continent to Great Britain for peace, liberty, and safety, would not meet with a favourable reception; that on the contrary, from the large reinforcements of troops expected in that colony, the tenor of intelligence from Great Britain, and general appearances, they had reason to apprehend, that the sudden destruction of that colony in particular was intended:" and that the colony might be somewhat prepared for the severest trial, they urged in the strongest terms, "the militia in general, and the minute-men (1) in particular, to spare neither time, pains, nor expense, at so critical a juncture, for perfecting themselves forthwith in the military discipline. They passed resolutions for the providing and making of fire-arms and bayonets, and renewed the prohibition of their predecessors, against supplying the troops at Boston, with any of those necessities peculiarly requisite for the military service. The committee of safety had directed in the beginning of January, that all the cannon, mortars, cannon-balls and shells, should be deposited at Worcester and Concord, in the same proportion as was done by the provision; and while the congress was sitting, [Feb. 13, 21.] voted 'that the committee of supplies do purchase all the powder they can, and also all kinds of warlike stores, sufficient for an army of fifteen thousand men to take the field.'

"The propriety of the precautions taken to guard against a surprise, was manifest from the following event." *Gord.*

"[Feb. 26.] General Gage, receiving intelligence that some brass cannon were deposited in the town of Salem, sent a detachment of troops under the command of a field officer (Lt. col. Leslie,) on board a transport, in order to seize upon and bring them to Boston. The troops having landed

(1) Mr. Gordon says, "Among the many sons of liberty of which they were composed, Mr. Charles Thomson was eminent for inflexible spirit; but Mr. Thomas Mifflin was the very soul of the capital and province. Such are his natural and acquired accomplishments, his unwearied exertions, his zeal, his address, his sprightliness; that he enlightens and invigorates every thing around him." *Gord.*

(1) On this description of troops, a British historian very quaintly observes, "As we have made use of a term which has hitherto been unknown in military transactions, it may require some explanation. By minute-men are to be understood a select number of militia, who undertake to hold themselves upon all occasions, and at the shortest notice, in readiness for actual service. By their alertness they have since shown that the name was not misapplied."

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at Marblehead, proceeded to Salem, where they were disappointed as to finding the cannon; but having some reason to imagine they had only been removed that morning in consequence of their approach, it induced them to march further into the country in hopes of overtaking them. In this pursuit they arrived at a drawbridge over a small river, where a number of the country people (1) were assembled, and those on the opposite side had taken up the bridge to prevent their passage. The commanding officer ordered the bridge to be let down, which the people peremptorily refused, saying, that it was a private road, and that he had no authority to demand a passage that way—for to the last moment the language of peace was preserved, and until the sword was decisively drawn, all resistance was carried on upon some legal ground. Upon this refusal, the officer determined to make use of a boat, thereby to gain possession of the bridge; but the country people perceiving his intention, several of them jumped into the boat with axes, and cut holes through her bottom, which occasioned some scuffle between them and the soldiers in and about the boat. Things were now tending to extremities, as the commander seemed determined to force his passage, and the others as resolutely bent to prevent it. In this situation, a neighbouring clergyman (2) who had attended the whole transaction, remonstrated with the lieutenant colonel, upon the fatal consequences which would inevitably attend his making use of force. And finding that the point of military honour, with respect to making good his passage, was the principal object with that gentleman, it being then too late in the evening to prosecute his original design, he prevailed upon the people to let down the bridge, which the troops took possession of; and the colonel having pushed a detachment a little way into the country, in exercise of the right which he assumed, they immediately after returned without molestation, on board the transport. Thus ended this first expedition, without effect, and happily without mischief. Enough appeared to show, upon what a slender thread the peace of the empire hung; and that the least exertion of the military would certainly bring things to extremities. The people, since the acts for casting away their charter, and for protecting the soldiery from any trial in the province, considered themselves as put under military government. Every motion of that body became suspected, and was in their eyes an exertion of the most odious and most dreadful tyranny.

"This appearance of resistance seems, on the other side, to have greatly irritated the military; for from this time they appear to have lived upon worse terms with the inhabitants of Boston, than they had hitherto done; some general and wanton insults, as well as particular outrages having been complained of. But the crisis was now fast approaching, in which all her lesser evils and calamities were to be lost and forgotten, in the contemplation of those of a great and serious nature.

[Ap. 19.] "The provincials having collected a considerable quantity of military stores at the town of Concord, where the provincial congress was also held, Gen. Gage thought it expedient to detach the grenadiers and light infantry of the army, under the command of lieutenant-colonel Smith, and major Pitcairn of the marines, in order to destroy them. It is said and believed, that this expedition had another object in view, which was to seize on the persons of messrs. Hancock and Adams, those great and obnoxious leaders of the faction which opposed the new system of government. The detachment, which was supposed to consist of about 900 men, embarked at Boston on the night preceding the 19th of April, and having gone a little way up Charles river, landed at a place called Phipp's Farm, from whence they proceeded with great silence and expedition towards Concord. Several officers on horse back, in the mean time scoured the roads, and secured such country people as they chanced to meet with at that early time. Notwithstanding these precautions, they discovered, by the firing of guns and the ringing of bells, that the country was alarmed, and the people actually began to assemble in the neighbouring towns and villages before day-light.

"Upon their arrival at Lexington, about five in the morning, they found the company of militia belonging to that town, assembled on a green near the road; upon which an officer (3) in the van called out, *Disperse, you rebels; throw down your arms and disperse*: the soldiers at the same time running up with loud huzzas, some scattering shots were first fired, and immediately succeeded by a general discharge, by which eight of the militia were killed and several wounded.

"Thus was the first blood drawn in this unhappy civil contest. Great pains were taken on each side, to show the other to have been the aggressor upon this occasion. A matter of little consequence, in a political view, as things were now too far advanced to leave room for a probable hope of any other than such a final issue. It was said in the Gazette, that the troops were first fired upon from some neighbouring houses. There is some obscurity in this business, for it appears, from the general tenor of the evidence, as well of some of our own people who were taken prisoners, as of a great number of the provincials, all whose depositions were regularly taken and attested by proper magistrates, that the firing both at Lexington and Concord, was commenced by the troops. Indeed it seems evident, that a single company of militia, standing as it may be said, under the muzzles of our soldiers guns, would have been sufficient pledges to prevent any outrage from their friends and neighbours in the adjoining houses.

"After this execution, the detachment proceeded to Concord, the commanding officer having previously despatched six companies of light infantry, to possess two bridges which lay at some distance beyond the town, probably with a view of preventing any of the stores from being carried off that way; or, if he had orders about the seizure of persons, to prevent the escape of those whom it was his object to secure. A body of militia who occupied a hill in the way, retired at the ap-

(1) About 40 armed men under Col. Pickering. (2) Rev. Mr. Bernard. (3) Maj. Pitcairn.

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proach of the troops, and passed over one of those bridges, which was immediately after taken possession of by the light infantry. The main body having arrived at the town, proceeded to execute their commission, by rendering three pieces of iron cannon unserviceable, destroying some guns and other carriages, and throwing several barrels of flour, gunpowder, and musket ball into the river. In the mean time, the militia which retired from the hill, seeing several fires in the town which they apprehended to be of houses in flames, returned towards the bridge which they had lately passed, and which lay in their way thither. Upon this movement, the light infantry retired on the Concord side of the river, and began to pull up the bridge; but upon the nearer approach of the militia, (who seemed studiously to have avoided all appearance of beginning the attack, and made as if they only wanted to pass as common travellers,) the soldiers immediately fired, and killed two men. The provincials returned the fire, and a skirmish ensued at the bridge, in which the former seem to have been under some disadvantage, and were forced to retreat, having several men killed and wounded, and a lieutenant and some others taken.

"About this time the country rose upon them. The troops were attacked on all quarters; skirmish succeeded upon skirmish; and a continued, though scattering and irregular fire, was supported through the whole of a long and very hot day. In the march back of six miles to Lexington the troops were exceedingly annoyed, not only by their pursuers, but by the fire from houses, walls, and other coverts, all of which were filled or lined with armed men.

"It happened fortunately that General Gage, apprehensive of the danger of the service, had detached Lord Percy early in the morning with 16 companies of foot, a detachment of marines and two pieces of cannon, to support colonel Smith's detachment, and that they were arrived at Lexington, by the time the others had returned from Concord. This circumstance was the more fortunate, as it is reported the first detachment had by that time expended all their ammunition; but if that even had not been the case, it scarcely seems possible that they could have escaped being cut off or taken, in the long subsequent retreat of fifteen miles.

"This powerful support, especially the cannon, afforded a breathing-time to the first detachment at Lexington, which they already much wanted. The field pieces obliged the provincials to keep their distance. But as soon as the troops resumed their march, the attacks, as the country people became more numerous, grew in proportion more violent, and the danger was continually augmenting, until they arrived about sun-set at Charlestown; from whence they passed over to Boston, under the protection (as the provincials say,) of the guns of the Somerset man of war; the troops being entirely spent and worn down, by the excessive fatigues they had undergone. They had marched that day near 35 miles. (*Concord, 17 W. Boston: Lexington, 11 N. W.*)

"The loss was not so great on either side, as the length, irregularity, and variety of the engagement might seem to indicate; which may be attributed to the provincials not being at first powerful in number, and to their being afterwards kept at some distance by the field pieces. The king's troops, as may be expected, were the greater sufferers, having lost in killed, wounded, and prisoners, 275 men, of which 65 were killed, 2 lieutenants, and above 20 private men taken prisoners, and colonel Smith, with another lieutenant-colonel and several officers, wounded. By the provincial account, which gives the names and places of abode of those who fell on their side, their loss in killed and wounded (including those who fell by the first fire in the morning at Lexington) amounted only to about sixty, of which near two thirds were killed.

"By the nearest calculation that can be made, there were from 1800 to 2000 of the best troops in the service (being about half the force that was then stationed at Boston,) employed upon this expedition. The event sufficiently showed how ill-informed those were who had so often asserted at home, that a regiment or two could force their way through any part of the continent, and that the very sight of a grenadier's cap, would be sufficient to put an American army to flight.

"Upon this occasion, each side charged the other with the most inhuman cruelties. Civil wars produce many such charges; but we have good reason and some authority for believing, that these accounts, if at all true on either side, were much exaggerated. On our side it is certain, that an officer and some of the soldiers who were wounded and prisoners, gave publick testimonials of the humanity with which they were treated; and that the provincial commanders sent an officer to general Gage, to admit his surgeons to come and dress the wounded.

"Although on the other side, the regulars were charged with killing the old, the infirm, the unarmed and the wounded, without mercy; with burning several houses, and plundering every thing that came in their way; we have had too constant and uniform an experience, of the honour of our officers and the humanity of our soldiers, not to consider this account as equally exaggerated." (1) *Hist. of the war.*

(1) *This is the British account, which agrees in all essential particulars with the American, with some variance in the manner of expression.*

The following particulars are added, as taken from the American account.

Dr. Gordon observes, that in their retreat they burnt "some houses and attempted others, and plundered many of every thing valuable, destroying what they could not carry off; killed several innocent unarmed persons; and murdered two old men at Menotomy."

The persons killed at Lexington in the morning, as reported by Dr. Holmes, were "Robert Munroe, Jonas Parker, Samuel Hadley, Jonathan Harrington, Caleb Harrington, Isaac Muzzy, and John Brown, of Lexington, and Azael Porter, of Woburn." He adds, a handsome monument has been erected to their memory, on the green where the first of them fell.

To this list, Dr. Gordon adds the following names, killed and wounded at Concord, or on the

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"However trivial this affair may have been in itself, it was, in its consequences, of the utmost importance. It was the commencement of a long and obstinate war, and it had no inconsiderable influence on that war, by increasing the confidence which the Americans felt in themselves, and encouraging opposition by the hope of its being successful. It supported the opinion which had been taken up with some degree of doubt, that courage and patriotism were ample substitutes for any deficiency in the knowledge of tactics, and that their skill, as marksmen, gave them a great superiority over their adversaries.

"Although the previous state of things had been such, as plainly to render the commencement of hostilities unavoidable, each party seemed anxious to throw the blame on its opponent. The British officers alleged that they were fired on from a stone wall, before they attacked the militia company at Lexington, while on the part of the Americans, numerous depositions were taken, all proving that, both at Lexington and the bridge near Concord, the first fire was received by them."⁽¹⁾

As soon as intelligence was spread of this bloody day, and that actual war was begun by the British, the whole country round rose in arms: thousands collected within 24 hours in the vicinity of Boston; and it was with difficulty they were restrained from rushing into the place, and rashly venturing all the consequences of such an attempt.

Gen. Gage, too late perceiving what an enemy he had roused and must encounter, immediately ordered the gates to be shut, and placed guards at every avenue; fortified the environs of the town, and threw up entrenchments across the narrow isthmus which connects it with the country, and no inhabitant was permitted to leave it.

[April 20.] The day after the battle, the provincial congress met at Watertown, 7 miles west of Boston, to which place they had adjourned from Concord; and on the same day delivered Gen. Ward a commission as commander in chief of the *Massachusetts forces*; and a few days after chose Gen. John Thomas Lieut. General.

(1) Ch. Just. Marshall further remarks, that "the statements made by the Americans are rendered probable, not only by the testimony which supports them, but by other circumstances. The company of militia at Lexington, did not exceed in numbers one ninth of the enemy; and it can scarcely be conceived, that in the perilous situation in which they were placed, their friends would have provoked their fate, by commencing a fire on an enraged soldiery. It is also a circumstance of no inconsiderable weight, that the Americans had uniformly sought to cover their proceedings with the letter of the law, and even after the affair at Lexington, they had at the bridge beyond Concord, made a point of receiving the first fire. It is probable, that the orders given by general Gage prohibited the detachment under lieutenant colonel Smith, from attacking the provincials, unless previously assaulted by them, but it seems almost certain that such orders, if given, were disobeyed."

Dr. Ramsay asserts, that "there never were more than 400 provincials engaged at one time, and often not so many. As some tired and gave out, others came up and took their places. There was scarcely any discipline observed among them. Officers and privates fired when they were ready, and saw a royal uniform, without waiting for the word of command. Their knowledge of the country enabled them to gain opportunities by crossing fields and fences, and to act as flanking parties against the king's troops, who kept to the main road." He further remarks on the consequences of this action, "that the colonists themselves had imbibed opinions from their forefathers, that no people on earth were equal to those with whom they were about to contend. Impressed with high ideas of British superiority, and diffident of themselves, their best informed citizens, though willing to run all risks, feared the consequence of an appeal to arms. The success that attended their first military enterprise, in some degree banished these suggestions. Perhaps in no subsequent battle did the Americans appear to greater advantage, than in their first essay at Lexington. It is almost without parallel in military history, for the yeomanry of the country to come forward in a single disjointed manner, without order, and for the most part, without officers, and by an irregular fire to put to flight troops, equal in discipline to any in the world. In opposition to the bold assertions of some, and the desponding fears of others, experience proved that Americans might effectually resist British troops. The diffident grew bold in their country's cause, and indulged in cheerful hopes that Heaven would finally crown their labours with success."

retreat of the British: "justice Isaac Gardner, of Brookline, capt. Isaac Davis, of Acton, capt. Jonathan Wilson, of Bedford, lieut. John Bacon, and sergeant Elisha Mills, of Needham, and deacon Josiah Haines, of Sudbury, killed: capt. Eleazer Kingsbury, of Needham, capt. Samuel Williams, of Cambridge, captains Charles Miles, Nathaniel Barret, and George Minot, of Concord, capt. Oliver Barnes, and deacon Aaron Chamberlain, of Chelmsford, wounded."

The whole amount in value of military stores, destroyed by this formidable body of troops at Concord, did not much exceed 200l, yet to effect this a civil war was hazarded, and actually ensued! The following singular document relative to all damages, is given by Dr. Gordon. "The committee appointed to examine into the damages done on the 19th, at Cambridge, Lexington, and Concord, have reported, that by fire, robbery and destruction, the same are as follows: at Cambridge, 901l. 16s. 5d. 1-4; at Lexington 1320l. 16s. 0d. 5-4; and at Concord, 206l. 2s. 5d. 1-2; in all 2428l. 1s. 11d. 1-4 sterling. The parties exhibited their accounts on oath, and the greatest care was taken that the state of the damages might be just."

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[April 23.] No longer trusting to petitions, addresses, &c. they resolved to raise and enlist an army of 30 thousand men; 13600 from Massachusetts, and the rest to be furnished by New Hampshire, Connecticut and Rhode-Island. A letter and delegates were sent to these colonies, urging them to raise their quotas, to be marched forthwith to Boston. In consequence of this vote recruiting was begun, enlistments made for a short term; and Gen. Ward was soon at the head of a provincial army before Boston, which "though far below what had been voted by the provincial congress, was much superior in numbers to the royal army."

Head quarters were fixed at Cambridge, 3 miles west from the town; and Harvard college was given up for quarters.

Immediately upon stopping all intercourse with the town, (April 22,) a convention had been agreed to between Gen. Gage and a committee of Boston, in which it was stipulated, that upon the inhabitants in general depositing their arms in Faneuil Hall, or other proper places, under the care of the selectmen, such of them as chose might depart with their effects; that those who remained should be protected, and the arms be returned at a suitable time. On the 27th of April, the inhabitants having deposited their arms, (about 2400 muskets and pistols) numbers left the town. Much altercation afterwards ensued on this subject, between Gen. Gage and the citizens who applied for leave to depart; and he was charged with gross violations of the agreement, by refusing permission on frivolous grounds. (1) The distresses brought on Boston by this state of things, and during the occupation of it by the British, are described in the memoirs of the day as extreme.

The news of the battle of *Lexington*, was a signal of war in New England, (2) and soon spread throughout the colonies, every where producing sentiments of horror, and commotions bordering on tumults: the dispute between Great Britain and the colonies now took a new direction; even the moderate became partizans, and the timid resolute. "The colonies were in such a state of irritability, that the least shock in any part was, by a powerful and sympathetick affection, and instantaneously, felt throughout the whole. The Americans who fell were revered by their countrymen, as martyrs who had died in the cause of liberty. Resentment against the British burned more strongly than ever. Martial rage took possession of the breasts of thousands. Combinations were formed and associations subscribed, binding the inhabitants to each other by the sacred ties of honour, religion, and love of country, to do whatever their publick bodies directed for the preservation of their liberties. Hitherto the Americans had no regular army. From principles of policy they had cautiously avoided that measure, lest they might subject themselves to the charge of being aggressors. All their military regulations were carried on by their militia, and under the old established laws of the land. For the defence of the colonies, the inhabitants had been from their early years, enrolled in companies and taught the use of arms. The laws for this purpose had never been better observed, than for some months previous to the *Lexington* battle. These military arrangements, which had been previously adopted for defending the colonies from hostile French and Indians, were on this occasion turned against the troops of the parent state.

(1) Gordon and Ramsay observe, that "He was in some measure compelled to adopt this dishonourable measure from the clamour of the Tories, who alleged that none but enemies to the British government were disposed to remove, and that when they were all safe with their families and effects, the town would be set on fire. To prevent the provincials from obtaining supplies which they much wanted, a quibble was made on the meaning of the word 'effects,' which was construed by the general as not including merchandize. By this construction, unwarranted by every rule of genuine interpretation, many who quitted the town were deprived of their usual resources for a support. Passports were not universally refused, but were given out very slowly, and the business was so conducted that families were divided—wives were separated from their husbands, children from their parents, and the aged and infirm from their relations and friends. The general discovered a disinclination to part with the women and children, thinking that, on their account, the provincials would be restrained from making an assault on the town. The select men gave repeated assurances that the inhabitants had delivered up their arms; but as a cover for violating the agreement, general Gage issued a proclamation, in which he asserted that he had full proof to the contrary. A few might have secreted some favourite arms, but nearly all the training arms were delivered up. On this flimsy pretence the general sacrificed his honor to policy, and the clamors of the Tories. Contrary to good faith he detained many, though fairly entitled by agreement to go out, and when he admitted the departure of others, he would not allow them to remove their families and effects."

On this statement the British historian observes, "This by far the most dishonourable to government, we are obliged in fairness to state according to the provincial narrative, no other having appeared to contradict or qualify it. The poor and helpless were all sent out."

(2) "As arms were to decide the controversy," says Mr. Ramsay, "it was fortunate for the Americans, that the first blood was drawn in New England. The inhabitants of that country are so connected with each other by descent, manners, religion, politics, and a general equality; that the killing of a single individual interested the whole, and made them consider it as a common cause. The blood of those who were killed at *Lexington* and *Concord*, proved the firm cement of an extensive union. They were regreted with the deepest concern, and honoured not only as patriots, but as martyrs, who had died bravely in the cause of their country."

APPENDIX—Part 2nd.—(Colonial transactions from Sep. 1774, to May. 1775.)

Ports, magazines, and arsenals, by the constitution of the country, were in the keeping of his majesty. Immediately after the Lexington battle, these were, for the most part, taken possession of throughout the colonies, by parties of the provincial militia."

"Regular forces were raised, and money was issued for their support. An army of twenty thousand men appeared in the environs of Boston, and formed a line of encampment from Roxbury to the river Mystic. This army was soon increased by a large body of troops from Connecticut, under colonel Putnam, an old and experienced officer; and by these collective forces the king's troops were closely blocked up in the peninsula of Boston."⁽¹⁾

On the arrival of the intelligence in *New-York* and at *Philadelphia* (April 23,) the custom houses were shut up; and all vessels about to sail to *Quebeck*, *Newfoundland*, *Georgia*, and *Boston* detained, to prevent supplies from being conveyed to the British forces: in order afterwards to restore tranquility at *New-York*, it was found necessary to appoint a general committee of 100 persons, for the city and county; who on the 5th of May addressed a letter to the lord Mayor, Aldermen and common Council of the city of *London*, signed by 77 of them, in which they declare that "The disposal of their own property, with perfect spontaneity, and in a manner wholly divested of every appearance of constraint, is their indefeasible birth-right. This exalted blessing they are absolutely determined to defend with their blood, and to transfer uncontaminated to their posterity." They professed their readiness to submit cheerfully, to a regulation of commerce by the legislature of the parent state, excluding in its nature every idea of taxation; but reprobated the minister's conciliatory plan. They gave assurance, 'That America is grown so irritable by oppression, that the least shock in any part is, by the most powerful and sympathetic affection, instantaneously felt through the whole continent—that while the whole continent are ardently wishing for peace, upon such terms as can be acceded to by Englishmen, they are indefatigable in preparing for the last appeal.' Near the close they said, 'We speak the real sentiments of the confederated colonies on the continent, from *Nova-Scotia* to *Georgia*, when we declare, that all the horrors of a civil war will never compel America to submit to taxation by authority of parliament.' They concluded with expressing their confidence of the most vigorous exertions of the city of *London*, to restore union and mutual peace to the whole empire.

"On the next day (May 6,) an association was signed by upward of a thousand of the principal inhabitants of the city and county. They in the most solemn manner declared, that they associated to endeavour carrying into execution, whatever measure might be recommended by the continental congress, or be resolved upon by their own provincial convention, for the purpose of preserving their constitution, and opposing the execution of the oppressive acts of the British parliament, until a reconciliation between Great Britain and America, on constitutional principles, can be obtained; and that they would in all things follow the advice of their general committee, respecting the purposes aforesaid, the preservation of peace and good order, and the safety of individual and private property."

Yet though the people of the city and province of *New-York*, after the battle of Lexington, appeared to hesitate no longer, and the general spirit of the colonies obtained there also the ascendancy; the royal party remained very formidable, "and it was deemed advisable to march a body of Connecticut troops into the neighbourhood, with the ostensible purpose of protecting the town against some British regiments daily expected from Ireland, but with the real design of encouraging and strengthening their friends."⁽²⁾

"The citizens of *Philadelphia* beside stopping the vessels as before related, were spirited up to attempt perfecting their preparations for the most serious and painful contest.

"The governor of the province laid before the assembly the minister's conciliatory plan: and observed to them that they were the first assembly on the continent to whom it had been communicated. After considering it, they said, "If no other objection to the plan proposed occurred to us, we should esteem it a desertion of sister colonies, connected by an union founded on just motives and mutual faith, and conducted by general councils, for a single colony to adopt a measure so extensive in consequences, without the advice and consent of those colonies engaged with us by solemn ties, in the same common cause.

"In *New-Jersey* the people, on receiving the Lexington news, took possession of the province treasury, in which there was about £20,000, for payment of the troops raising for the defence of the liberties of America.

"The account of the action arrived at *Baltimore*, in *Maryland*, in six days; the inhabitants immediately seized upon the provincial magazine containing 1500 stand of arms, &c. They also stopped all exports to the fishing islands, and those colonies which had refused to unite with their brethren in the common cause; and all supplies to the navy and army at Boston. (3)

When the account reached *South Carolina*, of actual hostilities, on that very night a number of the principal gentlemen "of the town, possessed themselves of 1200 stand of arms, with the

(1) And so continued until its evacuation by general Howe, Mar. 17th 1776. (2) It should be observed however, that previous to the affair of Lexington, the people had chosen a Convention who met at *New-York* the 22d of April, three days after the action, approved of the measures of the 1st congress, and appointed delegates to the 2d. (3) In *Virginia*, in consequence of the memorable proceedings there on the 20th of March preceding this affair, (see p. 270 No 22) that colony in anticipation of hostilities, was in a course of full preparation for the scenes which followed.

APPENDIX—Part 2nd—(Colony transactions from Sep. 1774, to May, 1775.)

accoutrements; removed them directly from the royal arsenal, and afterward distributed them among the men enlisted in the publick service." (1)

And every where as the news arrived, each place became the theatre of inflamed passions, and ardent efforts to be ready for engaging in the great, and apparently unequal struggle, with the fleets, armies, and mighty power of England. (2)

Massachusetts being the immediate scene of warlike operations, proceeded in the most energetick manner, as has been seen, in repelling military aggressions, and devising the future means of driving the enemy, from their long distracted and insulted shores.

The formation of a large and durable force before Boston, and the means of supporting it, was the object to which the provincial congress directed their greatest efforts:—It was not yet certain what support could be expected from the approaching congress, and the colonies to the south and the troops which had hastily flocked to Boston, on the first summons would soon disperse from the want of means of sustenance, pay, and other causes. (3)

[Ap. 28.] In order to animate the people to resistance, and promote enlistments in the army which had been voted on the 25d, the congress, (of which Dr. *Joseph Warren* was now president, Mr. *Hancock* being appointed a delegate to the general congress,) addressed a circular letter to the several towns in *Massachusetts*, wherein after reciting the catastrophe of *Lexington*, it was said "we conjure you, by all that is dear, by all that is sacred, that you give all assistance possible in forming the army. Our all is at stake. Death and devastation are the certain consequences of delay. Every moment is infinitely precious. An hour lost may deluge your country in blood and entail perpetual slavery upon the few of your posterity, who may survive the carnage. We beg and entreat, as you will answer it to your country, to your consciences, and above all as you will answer it to God himself, that you will hasten and encourage, by all possible means, the enlistment of men to form the army; and send them forward to head-quarters at Cambridge, with that expedition which the vast importance and instant urgency of the affair demand." This address was attended to; the men discovered a readiness to turn out for the salvation of their country, and the women applied themselves with cheerfulness to the fitting out of their husbands, fathers and brothers, for the important expedition, while the dangers of it were overlooked or disregarded." *Gord.*

They also soon after the action, [Ap. 26.] despatched an account of it to Great Britain, accor-

(1) It may here be mentioned that North Carolina, in a convention held April 5 at Newbern, appointed delegates to congress; and that when governor Martin "met the general assembly of North Carolina, at Newbern [April 4, 1775.] he made a speech to them in a high governmental strain; and expressed his expectation that they would oppose so dangerous a step as the unwarrantable measure of appointing delegates to attend a congress in Philadelphia. He also told them, that they were most peculiarly called upon to oppose a meeting of delegates which the people had been invited to choose, and who were appointed to assemble at that very time and place, in the face of the legislature. The assembly, in their answer, justified the meeting of the people and said, 'Be it far from us even to wish to prevent the operations of the convention, now held at Newbern.' They also took the opportunity, the first that had been given them, to express their warm attachment to their sister colonies in general, and their heart-felt compassion for the deplorable state of the town of Boston; and to declare the fixed resolution of the colony to unite with the other colonies, in every effort to retain their just rights and liberties."

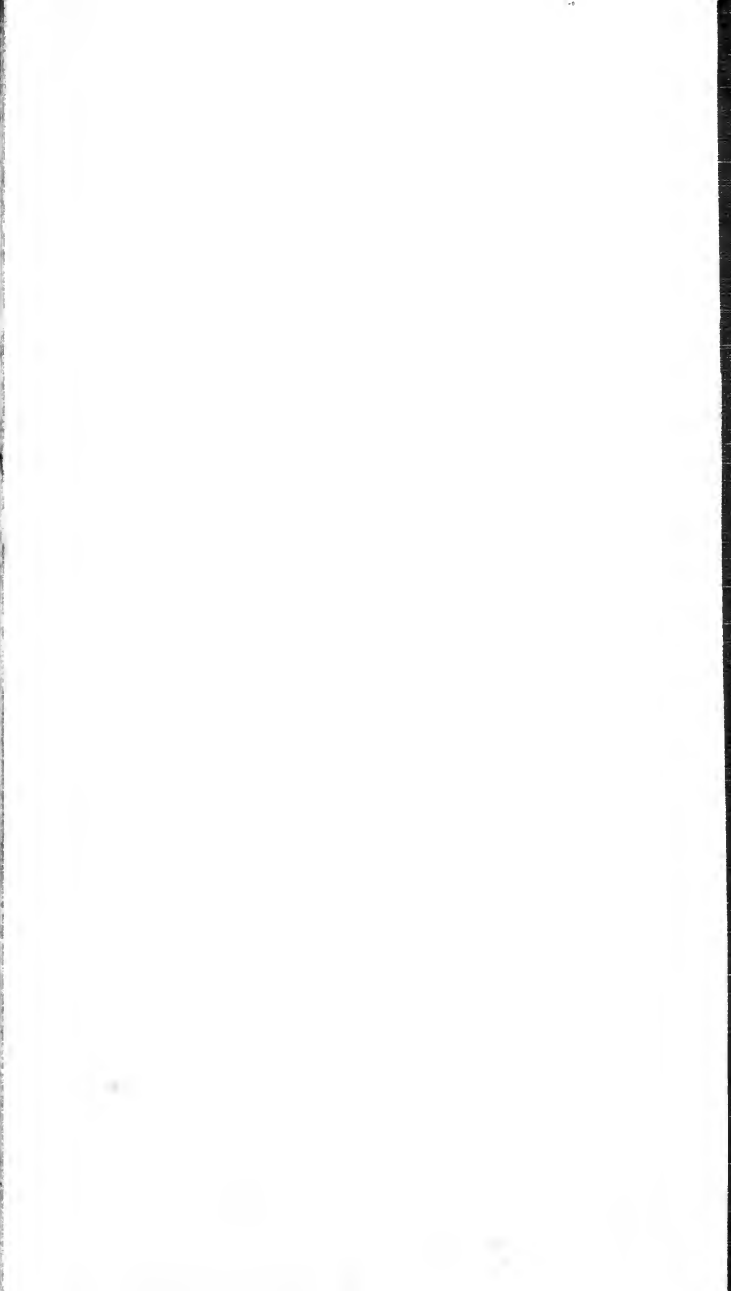
And on the 7th of April the assembly came to the following resolutions "That the house do highly approve of the proceedings of the continental congress lately held at Philadelphia, and that they are determined, as members of the community in general, that they will strictly adhere to the said resolutions, and will use what influence they have, to induce the same observance in every individual of this province.

"This house having received information, that William Hooper, Joseph Hewes, and Richard Caswell, Esqs. were appointed by the convention, held at Newbern, as delegates to attend the meeting of the continental congress, soon to be held at Philadelphia.

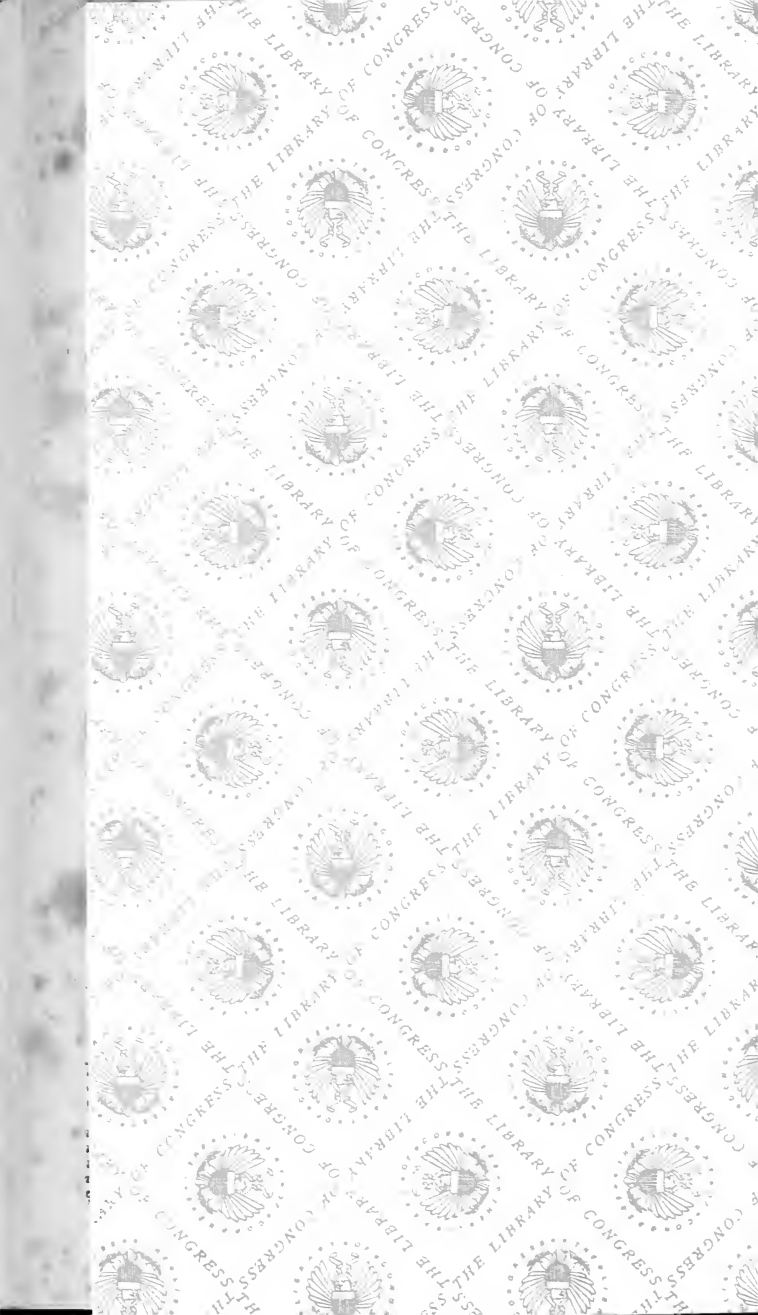
"Resolved, that the house approve of the choice made by the said convention."

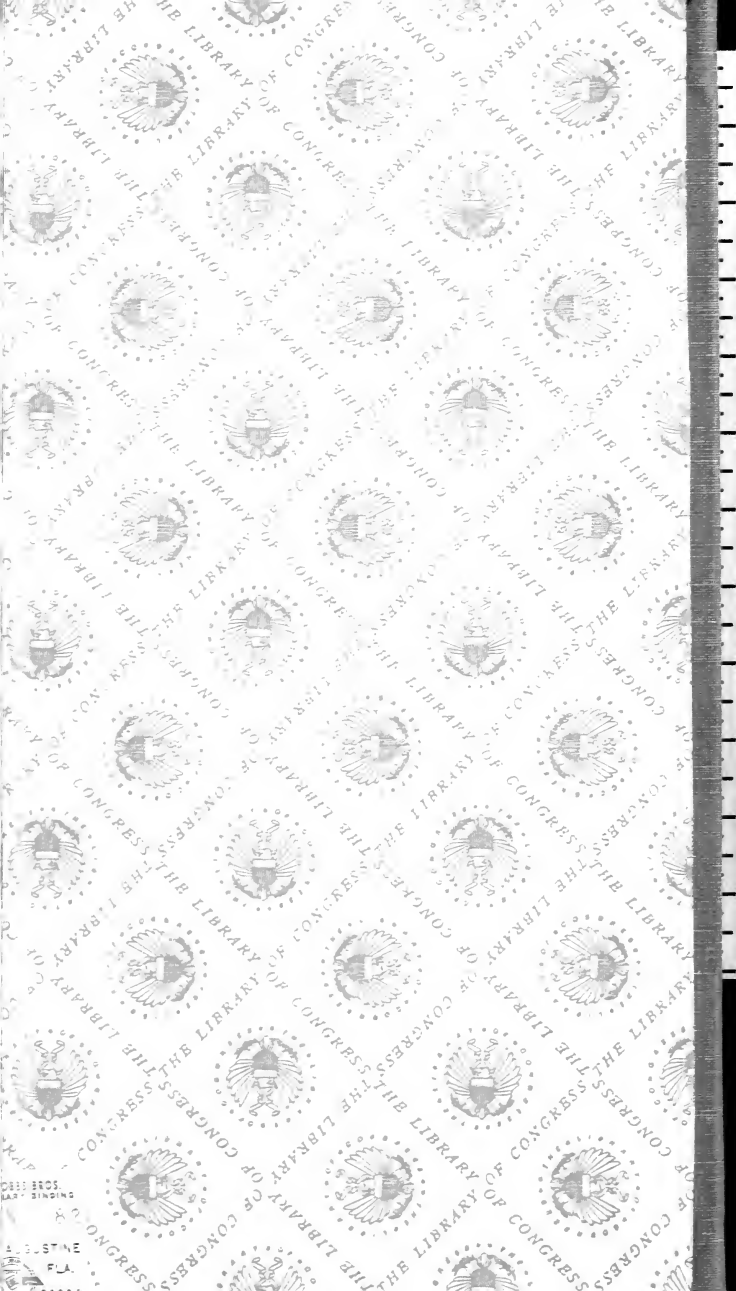
(2) The author of North's Administration, speaking of this crisis observes, "although defection had now spread over the American continent, yet two descriptions of men might have been expected to withstand the general contagion, at least utterly to renounce the idea of taking up arms against Great Britain; namely, the Quakers from principles of religion, and such military men who were natives of the British isles, but who had settled in America at the conclusion of the last war in considerable numbers: but the contrary proved to be the fact. Many of the younger quakers in Philadelphia formed themselves into volunteer companies, and the British officers, forgoing that doctrine of submission and subordination which they had imbibed with their tactics, took an active part with the Americans, and rendered the most essential service to their cause, by forming their husbandmen into soldiers." This allegation is supported by the memoirs of the day.

(3) Mr. Gordon observes, after a few days continuance, "great numbers returned home, some to follow their business, and others to procure necessaries for the time they had enlisted or meant to enlist for. During the interval between this return, and the provincials resorting afresh to the place of rendezvous, the land entrance into and out of the town by the Neck, was next to unguarded. Not more than between six and seven hundred men, under colonel Lemuel Robinson of Dorchester, were engaged in defending so important a pass, for several days together."

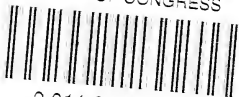








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